

Volume 1

# Journal of the Senate

Legislature of the State of California  
2003 2004 Regular Session



HON. CRUZ M. BUSTAMANTE  
President of the Senate

HON. JOHN L. BURTON  
President pro Tempore

HON. GREGORY P. SCHMIDT  
Secretary of the Senate

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Volume 1

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, December 2, 2002

The hour of 12 o'clock m., having arrived, Lt. Governor Cruz Bustamante, President of the Senate, in accordance with Article IV Section 3(a), of the Constitution of the State of California, called the Senate to order and announced that the 2003–2004 Regular Session of the Legislature was about to convene, and informed the Senators that, pursuant to Section 9150 of the Government Code, Greg Schmidt, Secretary of the Senate; Walter J. Little, Minute Clerk; and Tony Beard, Jr., Sergeant at Arms, were in their respective places.

Assistant Secretary David Valverde reading.

### PRESENTATION OF THE COLORS

The colors were presented by the Honor Guard to the Governor and Adjutant General.

Musical interlude presented by the Sacramento Silver Swans Madrigal Chorale.

### PRAYER

Upon invitation of the President, the following prayer was offered by Sr. Simone Campbell, S.S.S.:

*Creator God, We gather today, as Your people balancing faith and doubt. We come at a time of grave international and national tension. We come from all parts of our state—some excited and all certainly challenged by the tasks that lie ahead. We know that unlike You, O God, we cannot create a State out of nothing. While it might feel that we are being asked to do that with the State Budget this year, it is abundantly clear that we must work with the resources that You give us. Therefore we ask You to open our eyes and free our hearts in this legislative process to see the opportunities around us to create our state. Free our hearts that we might step beyond partisan rhetoric to new solutions. Free our hearts to remember that this is not a game where we can easily tally the score. Free our hearts that that we might*

remember those at the margins of our state as well as those in power when we make policy decisions. Free our hearts to care both for the families on welfare and the families of our friends. Free our hearts to care for both the unemployed and for those in business. Free our hearts to care for both the long time residents and new immigrants who take the most menial jobs in our state. Free our hearts during these two years and shake us loose from stifling predictable rhetoric so that at the end of the Session it can be said that the Senators and their staffs and all who advocated in these halls acted justly, loved tenderly and walked humbly with You, O God.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Denham led the Senate in the pledge of allegiance to the Flag.

**CERTIFICATE OF ELECTION**

State of California  
Office of the Secretary of State

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass filed in my office, the persons whose names are hereinafter set forth were duly elected at the November 5, 2002 General Election as State Senators in the Legislature of the State of California for a four-year term beginning on the 2nd day of December, 2002;

That set opposite their respective names are the Senate districts from which they were elected (four-year terms, from the even-numbered districts) and the names of the county or counties comprising or forming a portion of said districts, with the name of any county entirely within or comprising the district shown in capital letters.

<i>State Senators-elect</i>	<i>District</i>	<i>County or Counties</i>
Wesley Chesbro	Second	HUMBOLDT, LAKE MENDOCINO, NAPA, Solano, Sonoma
Samuel Aanestad	Fourth	BUTTE, COLUSA, DEL NORTE, GLENN, Nevada, Placer, SHASTA, SISKIYOU, SUTTER, TEHAMA, TRINITY, YUBA
Deborah V. Ortiz	Sixth	Sacramento
Jackie Speier	Eighth	San Francisco, San Mateo
Liz Figueroa	Tenth	Alameda, Santa Clara
Jeffrey John Denham	Twelfth	Madera, MERCED, Monterey, SAN BENITO, Stanislaus
Chuck Poochigian	Fourteenth	Fresno, Madera, MARIPOSA, San Joaquin, Stanislaus, TUOLUMNE
Dean Florez	Sixteenth	Fresno, Kern, KINGS, Tulare
Roy Ashburn	Eighteenth	INYO, Kern, San Bernardino, Tulare
Richard Alarcón	Twentieth	Los Angeles
Gil Cedillo	Twenty-Second	Los Angeles
Gloria Romero	Twenty-Fourth	Los Angeles
Kevin Murray	Twenty-Sixth	Los Angeles
Debra Bowen	Twenty-Eighth	Los Angeles
Martha M. Escutia	Thirtieth	Los Angeles
Nell Soto	Thirty-Second	San Bernardino, Los Angeles
Joe Dunn	Thirty-Fourth	Orange
Dennis Hollingsworth	Thirty-Sixth	Riverside, San Diego

Bill Morrow ..... Thirty-Eighth ..... Orange, San Diego  
Denise Moreno Ducheny ..... Fortieth ..... IMPERIAL, Riverside, San Diego

IN WITNESS WHEREOF I hereunto set my hand and affix the Great Seal of the State of California this 22nd day of November 2002.

BILL JONES  
Secretary of State

**RESOLUTIONS**

The following resolution was introduced by Senator Vasconcellos:

**Senate Resolution 1**

Relative to holdover Senators

*Resolved by the Senate of the State of California,* That the holdover Senators take their seats, and that the Senators-elect proceed to the Bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read and adopted.

**OATH OF OFFICE ADMINISTERED**

The following Senators-elect, as their respective districts were called, appeared at the Bar of the Senate, presented their certificates of election, and each took and subscribed to the following oath of office, administered by the Honorable Ronald M. George, Chief Justice of the Supreme Court of California:

Samuel Aanestad, Richard Alarcón, Roy Ashburn, Debra Bowen, Gilbert Cedillo, Wesley Chesbro, Jeffrey John Denham, Denise Moreno Ducheny, Joseph Dunn, Martha Escutia, Liz Figueroa, Dean Florez, Dennis Hollingsworth, Bill Morrow, Kevin Murray, Deborah Ortiz, Charles Poochigian, Gloria Romero, Nell Soto, and Jackie Speier.

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Subscribed and sworn to before me  
this second day of December  
A.D. 2002  
Ronald M. George

**ROLL CALL OF ALL SENATORS**

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,

Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)

### RESOLUTIONS

The following resolution was offered by Senator Perata:

#### Senate Resolution 2

**Senate Resolution 2**—Relative to election of officers.

*Resolved by the Senate of the State of California*, That Senator John Burton be and is hereby elected President pro Tempore of the Senate; that Greg Schmidt be and he is hereby elected Secretary of the Senate; that Tony Beard, Jr., be and he is hereby elected Sergeant at Arms of the Senate.

Resolution read and presented by Senator Perata.

#### Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

#### OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate appeared at the Bar of the Senate and took and subscribed to the oath of office administered by Chief Justice Ronald M. George.

#### ADDRESS BY PRESIDENT PRO TEMPORE

Senator Burton addressed the members of the Senate.

#### Senator Alpert Presiding

#### MESSAGES FROM THE DEMOCRATIC AND REPUBLICAN CAUCUS

Mr. President: The Democratic Caucus reports that:

Senator Perata has been elected Majority Floor Leader;

Senator Romero has been elected Chair of the Democratic Caucus;

Senator Karnette and Senator Romero have been recommended to be elected to the Committee on Rules.

Mr. President: The Republican Caucus reports that:

Senator Brulte has been elected Minority Floor Leader;

Senator Poochigian has been elected Chair of the Republican Caucus.

Senator Johnson and Senator Knight have been recommended to be elected to the Committee on Rules.

**RESOLUTIONS**

The following resolution was offered by Senator Burton:

**Senate Resolution 3**

**Senate Resolution 3**—Relative to election of the Committee on Rules.

*Resolved by the Senate of the State of California*, That the following Members are hereby elected members of the Senate Committee on Rules: Senator Johnson, Senator Karnette, Senator Knight, and Senator Romero.

Resolution read and presented by Senator Burton.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

**RESOLUTIONS**

The following resolution was offered by Senator Knight:

**Senate Resolution 4**

**Senate Resolution 4**—Relative to adoption of the Temporary Standing Rules of the Senate for the 2003–2004 Regular Session.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

**REQUEST FOR UNANIMOUS CONSENT (SCR 1)**

Senator Johnson asked for, and was granted, unanimous consent that SCR 1 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 1**

**Senate Concurrent Resolution 1**—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2003–2004 Regular Session.

Resolution read and presented by Senator Johnson.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SCR 2)**

Senator Burton asked for, and was granted, unanimous consent that SCR 2 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 2**

**Senate Concurrent Resolution 2**—Relative to the Selection of the Legislative Counsel of California.

Resolution read and presented by Senator Burton.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**RESOLUTIONS**

The following resolution was offered by Senator Alarcón.

**Senate Resolution 5**

**Senate Resolution 5**—Relative to notifying the Governor of the organization of the Senate.

*Resolved by the Senate of the State of California*, That the President of the Senate appoint a Special Committee to wait upon his Excellency, the Governor, and inform him that the Senate is duly organized for the

2003–2004 Regular Session and is now ready to receive any communication he may have to make to this House.

Resolution read and presented by Senator Alarcón.

#### **Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **Appointment of Special Committee**

The President, in accordance with SR 5, appointed Senators Perata, Brulte, Alarcón, Poochigian, Escutia, and Romero to notify the Governor of the organization of the Senate.

#### **RESOLUTIONS**

The following resolution was offered by Senator Ducheny.

#### **Senate Resolution 6**

**Senate Resolution 6**—Relative to notifying the Assembly of the organization of the Senate.

*Resolved by the Senate of the State of California*, That the President of the Senate appoint a Special Committee to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the state.

Resolution read and presented by Senator Ducheny.

#### **Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **Appointment of Special Committee**

The President, in accordance with SR 6, appointed Senators Ducheny, Cedillo, Hollingsworth, Florez, Aanestad, and Ashburn to notify the Assembly of the organization of the Senate.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**MOTION TO ADJOURN**

At 12:41 p.m., Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 6, 2003 or upon call of the President pro Tempore.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, December 2, 2002

Mr. President: The Senate Rules Committee has created a Select Committee on Insurance with the following members:

Senators Speier (Ch.), Johnson (V.Ch.), Escutia, Figueroa, Morrow, Oller, Perata, Scott and Soto.

The Senate Rules Committee has appointed the following members to the Joint Legislative Budget Committee: Senators Ackerman, Alpert, Battin, Chesbro and Vasconcellos.

The Senate Rules Committee has extended the Select Committee to Investigate Price Manipulation of the Wholesale Energy Market through January 6, 2003.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1:** By Senator Speier—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

**Senate Bill 2:** By Senator Speier—An act to relating to health care coverage.

**Senate Bill 3:** By Senator Burton (Principal coauthor: Senator Vasconcellos) (Coauthors: Senators Scott and Sher) (Coauthors: Assembly Members Hancock and Steinberg)—An act to add Section 1376 to the Penal Code, relating to the death penalty.

**Senate Bill 4:** By Senator Hollingsworth—An act to amend Section 17041 of, to add Section 17063.1 to, and to repeal Chapter 2.1 (commencing with Section 17062) of Part 10 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 5:** By Senator Karnette—An act to add Section 51207 to the Education Code, relating to curriculum.

**Senate Bill 6:** By Senator Alpert (Coauthor: Assembly Member Liu)—An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7,

66901, 66902, 66941, 70900, 70901, 70902, 71000, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 99181, and 99182 of, and to repeal and add Sections 33302 and 33303 of, the Education Code, relating to public education governance.

**Senate Bill 7:** By Senators Alpert and Karnette (Coauthors: Assembly Members Daucher and Liu)—An act to amend Sections 46112, 48000, and 48200 of, to add Sections 46112.1, 48000.1, and 48200.1 to, and to add Article 6.5 (commencing with Section 8234.10) to Chapter 2 of Part 6 of, the Education Code, relating to children, and making an appropriation therefor.

**Senate Bill 8:** By Senator Brulte—An act to add Article 10 (commencing with Section 4760) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 9:** By Senators McClintock and Perata—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to government reorganization, and making an appropriation therefor.

**Senate Bill 10:** By Senator Poochigian—An act to repeal Section 26134 of the Water Code, relating to irrigation districts.

**Senate Bill 11:** By Senator Cedillo—An act relating to public safety.

**Senate Bill 12:** By Senator Bowen—An act to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

**Senate Bill 13:** By Senators Romero and Kuehl—An act to amend Sections 114710, 114990, and 115060 of, to add Section 25203.5 to, and to add Chapter 10 (commencing with Section 115300) to Part 9 of Division 104 of, the Health and Safety Code, and to add Section 43022.5 to the Public Resources Code, relating to radiation.

**Senate Bill 14:** By Senator Escutia—An act to add Chapter 10 (commencing with Section 16800) and Chapter 11 (commencing with Section 16850) to Part 10 of the Education Code, relating to child care and development.

**Senate Bill 15:** By Senator Alpert—An act to amend Sections 17078.52, 17078.54, 17078.58, and 17078.62 of, and to repeal Section 17078.50 of, the Education Code, relating to education facilities.

**Senate Bill 16:** By Senator Soto—An act to add Section 11507 to the Education Code, relating to parental compacts.

**Senate Bill 17:** By Senator Escutia—An act relating to property taxation.

**Senate Bill 18:** By Senators Burton, Chesbro, and Ducheny—An act to amend Section 5097.94 of the Public Resources Code, relating to Native American sacred places, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 19:** By Senator Escutia—An act to amend Sections 42239 and 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to public schools.

**Senate Bill 20:** By Senator Sher—An act relating to solid waste.

**Senate Bill 21:** By Senator Machado—An act to add Chapter 12 (commencing with Section 79590) to Division 26.5 of the Water Code, relating to water.

**Senate Bill 22:** By Senators Sher, Burton, and Ducheny—An act to repeal Section 8 of Chapter 1154 of the Statutes of 2002, relating to mining, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 23:** By Senators Sher and Burton—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14571, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14549.3, and 14571.5 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 24:** By Senator Figueroa—An act to add Article 1.5 (commencing with Section 14045) and Article 1.6 (commencing with Section 14046) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to health care.

**Senate Bill 25:** By Senator Bowen—An act to amend Sections 1785.11.1 and 1798.85 of the Civil Code, relating to personal information.

**Senate Bill 26:** By Senator Figueroa—An act to amend the heading of Article 1.5 (commencing with Section 510) of Chapter 1 of Division 2 of, and to add Section 513 to, the Business and Professions Code, relating to health care providers.

**Senate Bill 27:** By Senator Figueroa—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

**Senate Bill 28:** By Senator Figueroa—An act to amend Section 12693.81 of the Insurance Code, relating to healthy families.

**Senate Bill 29:** By Senator Figueroa—An act to amend Section 14000 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 30:** By Senator Figueroa—An act to amend Section 7159 of the Business and Professions Code, relating to home improvement contracts.

**Senate Bill 31:** By Senator Figueroa—An act to amend Sections 7195 and 7197 of, and to add Sections 7196.2, 7197.5, 7197.7, and 7198.5 to, the Business and Professions Code, relating to home inspections.

**Senate Bill 32:** By Senator McPherson—An act to amend Sections 629.51 and 629.62 of the Penal Code, relating to wiretapping.

**Senate Bill 33:** By Senator Figueroa—An act to amend Section 17591 of the Business and Professions Code, relating to telephone solicitations, and declaring the urgency thereof, to take effect immediately.

**Senate Constitutional Amendment 1:** By Senator Burton—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

**Senate Constitutional Amendment 2:** By Senator Torlakson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to local development.

**Senate Joint Resolution 1:** By Senator Poochigian—Relative to the Armenian Genocide.

**Senate Joint Resolution 2:** By Senator Figueroa—Relative to privacy.

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, December 2, 2002

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 2

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

#### REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Wade Piston, Valerie Katherine Dombrowski and Pam Edwards of Redondo Beach and Deputy Sheriff David Powell and Penny Faia of Torrance.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Ruth Miyoko Kosut of Hayward, Susumu Tomine of Alameda, and May Lum Ko of Oakland.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Judge John F. Cruikshank, Jr., of Stockton, and Barbara Vaccarezza and Vernon Gogna of Linden.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Margaret Lezin, Robert Podesta and Geno J. Pini Sr., of Santa Cruz.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Marvin E. Helon, Arshaluis Sirabian, Robert K. Soligian, Shunji "Gary" Aoki, Albert Hammerstrom, and Martha Jamushian of Fresno, Gregory Archie Mardikian of Delano, and Elizabeth "Betty" Rowe of Paso Robles.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Annette Gabaldon of Belen, New Mexico.

Senator Scott requested that when the Senate adjourns this day it do so in memory of David Haber, Jim Chisholm, Judy McNiff and Jesse L. Greenstein of Pasadena.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Michael Eisenberg of Lafayette, Sy Zell of El Cerito and Ed Campbell of Hayward..

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, January 6, 2003 or upon call of the President pro Tempore.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, January 6, 2003

The Senate met at 2 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—36.

Quorum present.

*(NOTE: Senator Murray will be excused this day on legislative business, Senator Aanestad will be excused this day on personal business, and Senators Speier and Vincent will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*O God,* As we gather, following our celebration of the birth of unconditional love into the world, as we gather to face what seem like insurmountable problems, we ask for Your guidance and protection that instead of becoming blamers, and complainers, we might become dreamers, risk takers, organizers, and mobilizers, gleaning the best from one another that together we might discover workable solutions to the challenges that we face. Lord, as we stand at the beginning of this new session filled with infinite potential, confident of Your never-ending love and caring we give thanks for our many blessings and say—AMEN.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
December 5, 2002

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Cathryn I. Rivera-Hernandez, former Chief Deputy Cabinet Secretary for the Governor. Appointed 11/13/02. Effective 11/14/02:

Member, Agricultural Labor Relations Board vice Herbert O. Mason, resigned, term ending 1/1/03.

Thomas E. Stringer, Chief Operating Officer, Freedom Management Company. Appointed 11/25/02. Effective 12/2/02:

Member and designated Chairman of the Committee on Continuing Care Contracts of the State, Department of Social Services, vice Thomas E. Stringer, term expired, term ending 12/31/03.

George Woolverton, served since 9/99; reappointed 11/15/02. Effective 11/25/02:

Member, Fair Employment and Housing Commission, term ending 9/18/06.

Lee D. Baca, served since 10/99; reappointed 11/15/02. Effective 12/3/02:

Member, Commission on Peace Officer Standards and Training, term ending 9/18/05.

James P. Fox, served since 3/00; reappointed 11/15/02. Effective 11/30/02:

Member, Commission on Peace Officer Standards and Training, term ending 9/18/05.

Bruce K. Daniels, served since 12/99; reappointed 11/15/02. Effective 11/21/02:

Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 9/18/06.

Gary C. Shallcross, served since 12/99; reappointed 11/15/02. Effective 11/19/02:

Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 9/18/06.

Alson B. Brizard, served since 11/00; reappointed 11/15/02. Effective 11/18/02:

Member, California Regional Water Quality Control Board, Central Valley Region, term ending 9/18/06.

Robert H. Schneider, served since 12/99; reappointed 11/15/02. Effective 11/21/02:

Member, California Regional Water Quality Control Board, Central Valley Region, term ending 9/18/06.

Leon M. Lesicka, served since 11/00; reappointed 11/15/02. Effective 11/21/02:

Member, California Regional Water Quality Control Board, Colorado River Basin Region, term ending 9/18/06.

Jack L. Clarke, served since 3/00; reappointed 11/15/02. Effective 11/18/02:

Member, California Regional Water Quality Control Board, Lahontan Region, term ending 9/18/06.

Francine B. Diamond, served since 3/99; reappointed 11/15/02. Effective 12/4/02:

Member, California Regional Water Quality Control Board, Los Angeles Region, term ending 9/18/06.

John R. Giorgi, rancher. Appointed 11/15/02. Effective 12/2/02.

Member, California Regional Water Quality Control Board, North Coastal Region, vice William A. Hoy, resigned, term ending 9/30/04.

Gerald D. Cochran, Del Norte County Assessor. Appointed 11/15/02. Effective 11/25/02:

Member, California Regional Water Quality Control Board, North Coastal Region, vice Daniel F. Crowley, resigned, term ending 9/30/06.

Kristen P. Dowd Addicks, served since 12/99; reappointed 11/15/02. Effective 12/5/02:

Member, California Regional Water Quality Control Board, San Francisco Bay Region, term ending 9/18/06.



Governor's Office, State Capitol  
December 17, 2002

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Xema M. Jacobson, former business manager for the San Diego County Building and Construction Trades Council. Appointed 12/5/02. Effective 12/16/02:

Member, San Diego County Regional Airport Authority Governing Board Executive Committee, newly created, 2001 legislation, term ending four years from the date of the second commission.

James T. Fousekis, served since 7/00; reappointed 12/3/02. Effective 12/9/02:

Member, Student Aid Commission, term ending 10/30/06.

Dr. Francisco J. Hernandez, served since 4/00; reappointed 12/5/02. Effective 12/17/02:

Member, Western Interstate Commission for Higher Education, term ending 10/12/06.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol  
December 18, 2002

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Maurice Johannessen, former State Senator. Appointed 12/17/02. Effective 12/17/02:

Secretary of Veterans Affairs vice A. Bruce Thiesen, not confirmed, term ending at the pleasure of the Governor.

Above appointment referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, December 16, 2002

Mr. President: The Senate Rules Committee has temporarily appointed Senator John Burton as a member of the State Allocation Board.

BURTON, Chair

State Capitol, January 3, 2003

Mr. President: The Senate Rules Committee has appointed Mrs. Cheryl Peace of El Cajon as a member of the California Integrated Waste Management Board to serve for a term ending January 3, 2007.

BURTON, Chair

Senate Chamber, December 4, 2002

Mr. President: The Committee on Rules has examined:

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And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 4th day of December, 2002, at 3 p.m.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were read the first time:

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 5, 2002)*

**Senate Bill 34:** By Senator Soto—An act relating to water quality.

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 10, 2002)*

**Senate Bill 35:** By Senator Scott (Principal coauthor: Assembly Member Steinberg) (Coauthors: Senators Kuehl and Romero) (Coauthors: Assembly Members Hancock, Jackson, and Koretz)—An act to add Sections 12015 and 12072.1 to the Penal Code, relating to firearms.

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 16, 2002)*

**Senate Bill 36:** By Senator Chesbro—An act to add Section 14132.100 to the Welfare and Institutions Code, relating to Medi-Cal.

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 19, 2002)*

**Senate Bill 37:** By Senator Dunn—An act to add Section 798.74.4 to the Civil Code, relating to mobilehomes.

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 20, 2002)*

**Senate Bill 38:** By Senator Denham (Principal coauthor: Assembly Member Cogdill)—An act to amend Sections 12811 and 13005 of the Vehicle Code, relating to organ and tissue donation.

*(The following measure was introduced and transmitted to the Committee on Rules for assignment on January 3, 2003)*

**Senate Bill 39:** By Senator Perata (Principal coauthor: Assembly Member Chan)—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 40:** By Senator Alpert (Principal coauthor: Assembly Member Wolk) (Coauthor: Assembly Member Maldonado)—An act to add Chapter 13 (commencing with Section 20020) to Part 11 of the Education Code, relating to financing a public library construction and renovation program, making an appropriation therefor, and by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 41:** By Senator Bowen—An act to amend Section 10515 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Rules to meet at 10:30 a.m., on Wednesday, January 8.

#### **RECESS**

At 2:15 p.m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 2:15 p.m., the Senate reconvened.

Hon. Burton, of the 3rd District, presiding.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Murray.

The following Senator was granted leave of absence for the day due to personal business: Senator Aanestad.

The following Senators were granted leaves of absence for the day due to illness: Senators Speier and Vincent.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 2:15 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 7, 2003.

Motion carried.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: July 2002, relating to In-Home Supportive Services was received from the Department of Social Services and transmitted to the Committee on Health and Human Services.

A report dated: October 24, 2002, relating to contracting activity was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: November 5, 2002, relating to Disabled Veteran Business Enterprise participation was received from the California Energy Commission and transmitted to the Committee on Governmental Organization.

The July quarterly report dated: November 8, 2002, relating to hazardous waste fees was received from the State Board of Equalization and transmitted to the Committee on Environmental Quality.

A report dated: November 14, 2002, relating to contracting activities was received from the Business, Transportation and Housing Agency and transmitted to the Committee on Governmental Organization.

A report dated: November 15, 2002, relating to the reappropriated systemwide provision balance was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 18, 2002, relating to project savings was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 20, 2002, relating to purchase of goods and services was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: November 20, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Department of Corrections and transmitted to the Committee on Governmental Organization.

The July quarterly report dated: November 22, 2002, relating to MTBE use in California was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A report dated: November 22, 2002, relating to the 1990–1999 Inventory of Greenhouse Gas Emissions and Sinks was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A report dated: November 25, 2002, relating to campus capacity was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 2, 2002, relating to the Child Life Specialist Pilot program was received from the Victim Compensation and Government Claims Board and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 2, 2002, relating to program performance and statistics was received from the Department of Child Supportive Services and transmitted to the Committee on Health and Human Services.

A report dated: December 3, 2002, relating to the May 2002 Unemployment Insurance Fund forecast was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

An audit report dated: December 4, 2002, relating to the Ortega Trail Recreation and Park District was received from the State Auditor and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: December 4, 2002, relating to Energy Deregulation. Limit on Retail Electricity Rates. Initiative statute; was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 4, 2002, relating to subcontractor written complaints of late payment was received from the Department of Transportation and transmitted to the Committee on Transportation.

An audit report dated: December 5, 2002, relating to Department of General Services fees was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: December 9, 2002, relating to vehicle theft deterrence was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: December 9, 2002, relating to nonpoint source pollution was received from the State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

The July 2001 quarterly report dated: December 9, 2002, relating to energy acquisition activities and expenditures was received from the Department of Water Resources and transmitted to the Committee on Energy, Utilities and Communications.

The October 2002 quarterly report dated: December 9, 2002, relating to the Capitol Area East End Complex was received from the Department of General Resources and transmitted to the Committee on Rules.

A report dated: December 9, 2002, relating to race, ethnicity and gender in contracts was received from the Department of Corrections and transmitted to the Committee on Governmental Organization.

A report dated: December 11, 2002, relating to ferry service: public transit was received from the San Francisco Bay Area Water Transit Authority and transmitted to the Committee on Transportation.

An audit report dated: December 11, 2002, relating to a statewide automated child support system was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: December 11, 2002, relating to the Kapiloff Land Bank Act was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 12, 2002, relating to the Engineering Title Act was received from the State and Consumer Services Agency and transmitted to the Committee on Business and Professions.

An audit report dated: December 12, 2002, relating to Medi-Cal purchasing and contracting practices for medical equipment and supplies was received from the State Auditor and transmitted to the Committee on Rules.

The September 2002 financial report dated: December 12, 2002, prepared from books without audit was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: December 13, 2002, relating to Basic Financial Statement was received from the California Public Employee's Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: December 13, 2002, relating to Child Abuser Vertical Prosecution program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 16, 2002, relating to projects, cash flow and contracts was received from the California Consumer Power and Conservation Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: December 17, 2002, relating to the Department of Transportation's revenue and expenditures authorized by the Seismic Retrofit Bond Act of 1996 was received from the State Auditor and transmitted to the Committee on Rules.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Alice Tamborrino of Placentia.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Melinda Lansing of San Pedro.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Arnie Blum of San Francisco and Roy E. de Giere of Albany.

Senators Burton and Escutia requested that when the Senate adjourns this day it do so in memory of Joseph Remcho of Piedmont.

Senators Burton and Soto requested that when the Senate adjourns this day it do so in memory of Bob Holstein of Riverside.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of James Foster and Rick Knutson of Santa Clarita.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Fabian John Alexander of Volcano and Valerie Jean DesVoignes of Pine Grove.

Senators Sher and Chesbro requested that when the Senate adjourns this day it do so in memory of Rick Best of Sacramento.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Dr. Charles A. Koehler of Fontana.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Angel D. Garcia, Jr., of Salinas, Marie Katherine Kister of Kerman, Pauline Sarrazin Addison of Kernville, and Margaret Aivazian and Jeffrey S. Simonian of Fresno.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 7, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, January 7, 2003

The Senate met at 9 a.m.  
Hon. Jeff Denham, of the 12th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Poochigian, Romero, Scott, Soto, Speier, and Vasconcellos—33.

Quorum present.

*(NOTE: Senators Murray, Perata and Torlakson will be excused this day on legislative business, Senator Bowen will be excused this day on personal business, and Senators Burton, Sher, and Vincent will be excused this day due to illness.)*

### INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 42:** By Senator Ackerman—An act to amend Section 2601 of the Penal Code, relating to prisoner rights.

**Senate Bill 43:** By Senator Cedillo—An act to amend Section 18855 of the Revenue and Taxation Code, relating to taxation.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Murray, Perata and Torlakson.

The following Senator was granted leave of absence for the day due to personal business: Senator Bowen.

The following Senators were granted leaves of absence for the day due to illness: Senators Burton, Sher, and Vincent.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Noble O. Elcenko of Antioch.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, January 8, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, January 8, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—37.

Quorum present.

*(NOTE: Senator Aanestad will be excused this day on personal business and Senators Murray and Vincent will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, January 8, 2003

The Committee on Rules has referred the following measures to committee:

**Business and Professions**—SB 12, SB 30, SB 31, SB 33.

**Education**—SB 5, SB 6, SB 7, SB 14, SB 15, SB 16, SB 19, SB 39.

**Environmental Quality**—SB 13.

**Governmental Organization**—SB 9.

**Health and Human Services**—SB 24, SB 36.

**Insurance**—SB 26.

**Judiciary**—SB 1, SB 25, SB 27, SB 37; SJR 2.

**Local Government**—SB 10.

**Natural Resources and Wildlife**—SB 8, SB 22, SB 23.

**Public Safety**—SB 3, SB 32, SB 35.

**Revenue and Taxation**—SB 4.

**Rules**—SB 2, SB 11, SB 17, SB 18, SB 20, SB 21, SB 28, SB 29, SB 34.

The Committee on Rules has referred the following measures to two committees:

**Governmental Organization and Constitutional Amendments**—SCA 1.

**Health and Human Services and Rules**—SB 38.

**Transportation and Constitutional Amendments**—SCA 2.

State Capitol, January 8, 2003

Mr. President: The Senate Rules Committee has created a Select Committee on the California Correctional System and appointed Senator Romero as Chair. The Committee also adopted Senate Rules Committee Resolution #2 outlining its jurisdiction.

The Senate Rules Committee has created a Select Committee on Air Quality in the Central Valley and appointed the following members to serve on the committee: Senators Florez, Ch., Denham and Machado.

The Senate Rules Committee has extended the Select Committee to Investigate Price Manipulation of the Wholesale Energy Market through March 31, 2003.

The Senate Rules Committee has appointed Senator Scott as a member of the Joint Committee to Develop a Master Plan for Education to fill an existing vacancy.

BURTON, Chair

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 44:** By Senator Denham (Coauthor: Assembly Member Salinas)—An act to add Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

**Senate Bill 45:** By Senator Vincent—An act to amend Section 44830 of the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

**Senate Concurrent Resolution 3:** By Senator Florez—Relative to the Rosa Parks Freeway.

**Senate Joint Resolution 3:** By Senators Alarcón and Romero—Relative to the Temporary Assistance for Needy Families (TANF) program.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Aanestad.

The following Senators were granted leaves of absence for the day due to illness: Senators Murray and Vincent.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, January 9, 2003.

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**IN JOINT CONVENTION  
2003 State of the State Address**

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Assembly Chamber, Sacramento  
Wednesday, January 8, 2003

At 4:56 p.m., the Senate and Assembly met in Joint Convention.

Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

*(NOTE: For text of State of the State Address see Assembly Journal for January 8, 2003.)*

**ADJOURNMENT OF JOINT CONVENTION**

At 5:32 p.m., there being no further business, Speaker Wesson declared the Joint Convention adjourned *sine die*.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, January 9, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—36.

Quorum present.

*(NOTE: Senators Battin and Perata will be excused this day on legislative business and Senators Murray and Vincent will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Eternal God, To You a thousand years are a snap of the fingers. You can brush Your creation aside like a daydream. We are like grass, dewy at dawn and dry before dusk. Teach us to number the few days we have, to count them like misers, aware of their worth, knowing even the flawed, even the failures are precious, because they are few. Then we will be wise, waking gratefully, gifted with one more day. God of grace, let each of us use our days, and not let them use us.—AMEN.*

(Psalm 90—adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Hollingsworth led the Senate in the pledge of allegiance to the Flag.

**COMMUNICATIONS**

The following communication was ordered printed in the Journal:

Senate Republican Leader

January 8, 2003

*Greg Schmidt*

*Secretary of the Senate*

Dear Greg: This is to inform you that I have appointed Roy Ashburn as Vice Chair of the Senate Republican Caucus.

Thank you for your attention to this matter.

Sincerely,

JAMES L. BRULTE

Senate Republican Leader

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 8, 2003

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Stan L. Dixon, Member, State Board of Forestry and Fire Protection (5-0)

Gary C. Rynearson, Member, State Board of Forestry and Fire Protection (5-0)

Michel P. Florio, Member, Independent System Operator Governing Board (5-0)

Carl T. Guardino, Member, Independent System Operator Governing Board (5-0)

BURTON, Chair

Governor's appointments ordered to Unfinished Business File.

State Capitol, January 8, 2003

Madam President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Paul Blanc, M.D. of San Francisco as a member of the Scientific Review Panel on Toxic Air Contaminants to serve for a term ending January 1, 2006.

Reappointed Louis A. Vismara, M.D. of Sacramento as a member of the California Children and Families First Commission to serve for a term ending December 12, 2006.

Reappointed Mr. John G. Sonneborn, Jr. of Helendale and Ms. Barbara H. Krings of Carmichael as members of the Continuing Care Advisory Committee to serve for terms ending January 1, 2005.

Reappointed Mr. Kirk E. Breed of Penryn as a member of the California Exposition and State Fair Board of Directors to serve for a term ending December 31, 2006.

Reappointed Mr. Hugo Morris of Encino as a member of the Health Policy and Data Advisory Commission to serve for a term ending January 1, 2007.

Reappointed Mr. Daniel Pearlman of Berkeley as a member of the California Housing Partnership Corporation Board of Directors to serve for a term ending January 1, 2006.

Reappointed Ms. Linda S. Gates of Danville as a member of the Landscape Architect Technical Committee to serve for a term ending June 1, 2006.

Reappointed Mr. Michael Alpert of Rancho Santa Fe as a member of the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy to serve for a term ending January 1, 2007.

Appointed Ms. Linda M. Sheehan of Fremont as a member of the Oil Spill Technical Advisory Committee to serve at the pleasure of the Rules Committee.

Reappointed Ms. Nora E. Vargas of Santa Ana as a member of the Physician Assistant Committee to serve for a term ending January 1, 2007.

Reappointed Richard L. Sheldon, M.D. of Redlands as a member of the Respiratory Care Board of California to serve for a term ending June 1, 2006.

Reappointed Mark A. Nechodom, Ph.D. of Sacramento as a member of the Rural Development Council to serve for a term ending January 1, 2005.

Reappointed Ms. Elizabeth Cheadle of Los Angeles as a member of the Santa Monica Mountains Conservancy to serve at the pleasure of the Rules Committee.

Reappointed Mr. David M. Brown of Calabasas and Mr. Timothy Wendler of Pasadena as members of the Santa Monica Mountains

Conservancy Advisory Board to serve at the pleasure of the Rules Committee.

Reappointed Mr. Jerome R. Waldie of Placerville as a member of the Tahoe Regional Planning Agency to serve at the pleasure of the Rules Committee.

Reappointed Ms. Dorothy P. Rice of Oakland as a member of the Tobacco Education and Research Oversight Committee to serve for a term ending January 1, 2005.

Reappointed Mr. Donald L. Novey of Rocklin as a member of the California Unemployment Insurance Appeals Board to serve for a term ending January 1, 2007.

Appointed Eloisa Gonzalez, M.D. of Downey and Clarence Shields, Jr., M.D. of Los Angeles as Members of the California Task Force on Youth and Workplace Wellness to serve at the pleasure of the Rules Committee. Pursuant to SCR 40, Senator Torlakson has been designated to serve as chair of the task force.

Appointed Mr. Richard Hedges of San Mateo as a member of the State Board of Barbering and Cosmetology to serve for a term ending January 1, 2007.

Reappointed Ms. Betsey Cutler of Mill Valley as a member of the San Francisco Bay Conservation and Development Commission to serve at the pleasure of the Rules Committee.

BURTON, Chair

#### **Committee on Public Safety**

Senate Chamber, January 9, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 3

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 3**—An act to add Section 1376 to the Penal Code, relating to the death penalty.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Senate Chamber, January 9, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 27

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 27**—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 46:** By Senators Alpert and Sher—An act to amend Section 353.1 of the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 47:** By Senators Ackerman and Poochigian (Principal coauthor: Senator McPherson) (Coauthors: Senators Hollingsworth, Knight, Margett, Morrow, and Oller) (Coauthors: Assembly Members Aghazarian, Bogh, Harman, La Malfa, La Suer, McCarthy, Plescia, and Wyland)—An act to amend Sections 6377, 17053.49, and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 48:** By Senator McPherson—An act to amend Section 2002 of the Penal Code, relating to prisons.

**Senate Bill 49:** By Senator Speier—An act to add Section 5101.13 to the Vehicle Code, relating to license plates.

**Senate Bill 50:** By Senator Sher—An act relating to drinking water.

**Senate Bill 51:** By Senator Morrow—An act to add Section 1376 to the Penal Code, relating to the death penalty.

**Senate Bill 52:** By Senator Hollingsworth (Principal coauthor: Senator Florez)—An act relating to SAFE teams, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin and Perata.

The following Senators were granted leaves of absence for the day due to illness: Senators Murray and Vincent.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of David E. Garcia of San Fernando Valley.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Julie Dunn of Hermosa Beach.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Colonel Paul Edward Scherck USAF (Ret.) of Roseville.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Florence M. Ashjian and Paul B. Rush of Fresno, Carolina Ibarra Day of Sacramento, and William Harold Downing of Bakersfield.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Eugene R. Wingard and Lewis B. Smedes of Pasadena.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Robert Holstein of Riverside.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Alpert, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, January 13, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, January 13, 2003

The Senate met at 1:30 p.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—36.

Quorum present.

*(NOTE: Senators Brulte, Machado, and Vasconcellos will be excused this day on legislative business and Senator Burton will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord*, Grant us wisdom to deal justly with everyone whom we face in the business of life. In the midst of anxiety let there be everywhere our voices, our eyes, our thoughts, our hearts, our actions, breathing hope and compassion.—AMEN.

(Sonia Sanchez, adapted)

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
January 13, 2003

*To the Members of the Senate:*

I submit for your consideration the Governor's Budget for 2003–04.

Californians have proven time and again that there is no threat or crisis great enough to break our spirit. From devastating earthquakes, to deadly floods and firestorms, Californians have risen to the occasion, set aside personal concerns, and worked together to meet the challenge. Each time, we emerged stronger and more resilient as a community.

California now faces the most serious fiscal challenge in its history. The choices are difficult and the consequences of those choices will affect generations to come. This challenge must and will be met by California's leaders.

Over the past four years, working together, we have made critical investments in improving education, protecting public safety, expanding access to health care, and providing taxpayers with significant tax relief.

With the pace of both the national and state economies continuing to languish, and no significant rebound in sight, California has experienced the most dramatic decline in revenues since World War II. We bridged the budget gap last year with a mix of on-going and one-time solutions. This year, the problem is larger and the choices are more difficult.

Every crisis presents an opportunity for change. Yes, we must pass a budget and close the gap. This budget presents a plan to do that. We would be failing in our duty to those who elected us, however, if we pass on the tough decisions and do nothing to permanently fix what we know to be broken. As California leaders address the fiscal crisis now before us, we must seize the opportunity to develop a new fiscal blueprint for California. We must design a new foundation for meeting the needs of an already-changed California.

The future is now. The challenge is ours. I look forward to working with the Legislature to meet this task head on.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol  
January 13, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Jerrold A. Hiura, D.D.S., dentist. Appointed 12/20/02. Effective 1/6/03:  
Member, California Arts Council vice Dea Elizabeth Spanos  
Berberian, not confirmed, term ending 1/1/06.

Michael A. Rubel, General Counsel for the Creative Artists Agency.  
Appointed 12/20/02. Effective 1/6/03:  
Member, California Arts Council vice A. C. Lyles, term expired,  
term ending 1/1/05.

Cathryn I. Rivera-Hernandez, served since 11/02; reappointed 1/2/03.  
Effective 1/6/03:  
Member, Agricultural Labor Relations Board, term ending 1/1/08.

John L. Geesman, served since 7/02; reappointed 1/7/03. Effective 1/8/03:  
Member, State Energy Resources Conservation and Development  
Commission, term ending 1/6/08.

Louis J. Blanas, Sheriff of Sacramento County. Appointed 12/31/02.  
Effective 1/7/03:  
Member, Commission on Peace Officer Standards and Training  
vice William Kolender, term expired, term ending 9/18/05.

Gloria Moore Andrews, former labor relations officer, Department of  
Personnel Administration. Appointed 12/19/02. Effective 12/31/02:  
Deputy Director, Division of Labor Relations, Department of  
Personnel Administration vice Fred R. Buenrostro, resigned, term  
ending at the pleasure of the Governor.

Michael R. Peevey served since 3/02; reappointed 1/2/03. Effective 1/7/03:  
Member, Public Utilities Commission term ending 1/1/09.

Above appointments referred to the Committee on Rules.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, and transmitted to the  
Committee on Budget and Fiscal Review on January 10, 2003:

**Senate Bill 53:** By Senator Chesbro—An act making appropriations  
for the support of the government of the State of California and for several  
public purposes in accordance with the provisions of Section 12 of Article

IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 54:** By Senator Dunn—An act to amend Section 18610.5 of, and to add Sections 18407 and 18408 to, the Health and Safety Code, relating to mobilehomes.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**Consideration of Governor's Appointments**

Senator Johnson placed the following Governor's appointments before the Senate:

Stan L. Dixon, Member, State Board of Forestry and Fire Protection.

Gary C. Rynearson, Member, State Board of Forestry and Fire Protection.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

**Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Michel P. Florio, Member, Independent System Operator Governing Board

be taken up separately.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett,

McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

#### **Consideration of Governor's Appointment**

Senator Johnson placed the following Governor's appointment before the Senate:

Carl T. Guardino, Member, Independent System Operator Governing Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

#### **Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (1)—McClintock.

#### **RECESS**

At 1:47 p.m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 1:47 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Brulte, Machado, and Vasconcellos.

The following Senator was granted leave of absence for the day due to illness: Senator Burton.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 1:47 p.m., on motion of Senator Johnson, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Johnson moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 14, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 13, 2003

Madam President:

The Senate Rules Committee has appointed the following Senate Standing Committee chairs for the 2003–2004 Session:

**Agriculture and Water Resources**—Senator Machado, Chair

**Appropriations**—Senator Alpert, Chair

**Banking, Commerce and International Trade**—Senator Florez,  
Chair

**Budget and Fiscal Review**—Senator Chesbro, Chair

**Business and Professions**—Senator Figueroa, Chair

**Constitutional Amendments**—Senator Poochigian, Chair

**Education**—Senator Vasconcellos, Chair

**Elections and Reapportionment**—Senator Perata, Chair

**Energy, Utilities and Communications**—Senator Bowen, Chair

**Environmental Quality**—Senator Sher, Chair

**Governmental Organization**—Senator Vincent, Chair

**Health and Human Services**—Senator Ortiz, Chair

**Housing and Community Development**—Senator Ducheny, Chair

**Insurance**—Senator Speier, Chair

**Judiciary**—Senator Escutia, Chair

**Labor and Industrial Relations**—Senator Alarcón, Chair

**Local Government**—Senator Torlakson, Chair

**Natural Resources and Wildlife**—Senator Kuehl, Chair

**Public Employment and Retirement**—Senator Soto, Chair

**Public Safety**—Senator McPherson, Chair

**Revenue and Taxation**—Senator Cedillo, Chair

**Rules**—Senator Burton, Chair

**Transportation**—Senator Murray, Chair

**Veterans Affairs**—Senator Morrow, Chair

The following Budget Subcommittee chairs were also appointed:

**Subcommittee 1 (Education):** Senator Scott

**Subcommittee 2 (Resources, Environmental Protection,  
Judiciary, Transportation and  
Energy):** Senator Sher

**Subcommittee 3 (Health, Human Services, Labor and  
Veterans Affairs):** Senator Chesbro

**Subcommittee 4 (Legislative, Executive, Public Safety,  
and General Government):** Senator Dunn

BURTON, Chair

State Capitol, January 13, 2003

Madam President: The Senate Rules Committee has appointed the following Senate Standing Committees for the 2003–2004 Session:

**Banking, Commerce and International Trade** (9) 1st & 3rd Wednesday, 1:30 p.m.

Florez, Chair, Hollingsworth, Vice Chair, Denham, Ducheny, Dunn, Karnette, McClintock, Murray, and Ortiz

**Budget and Fiscal Review** (13) Every Thursday, 8 a.m.

Chesbro, Chair, Ackerman, Vice Chair, Cedillo, Ducheny, Dunn, Kuehl, Margett, McClintock, McPherson, Ortiz, Scott, Sher, and Vasconcellos

**Constitutional Amendments** (5) 2nd & 4th Wednesday, 1:30 p.m.

Poochigian, Chair, Bowen, Vice Chair, Burton, Escutia, and McClintock

**Education** (13) Every Wednesday, 9:30 a.m.

Vasconcellos, Chair, McPherson, Vice Chair, Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vincent

**Elections and Reapportionment** (5) 1st & 3rd Wednesday, 9:30 a.m.

Perata, Chair, Johnson, Vice Chair, Escutia., Murray, and Poochigian

**Environmental Quality** (7) 1st & 3rd Monday, 1:30 p.m.

Sher, Chair, Denham, Vice Chair, Chesbro, Figueroa, Kuehl, McPherson, and Romero

**Health & Human Services** (13) Every Wednesday, 1:30 p.m.

Ortiz, Chair, Aanestad, Vice Chair, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent

**Housing and Community Development** (7) 1st & 3rd Monday, 1:30 p.m.

Ducheny, Chair, Hollingsworth, Vice Chair, Ackerman, Alarcón, Cedillo, Florez, and Torlakson

**Judiciary** (7) Every Tuesday, 1:30 p.m.

Escutia, Chair, Morrow, Vice Chair, Ackerman, Cedillo, Ducheny, Kuehl, and Sher

**Labor and Industrial Relations** (8) 2nd & 4th Wednesday, 9:30 a.m.

Alarcón, Chair, Oller, Vice Chair, Dunn, Figueroa, Kuehl, Margett, McClintock, and Romero

**Local Government** (7) 1st & 3rd Wednesday, 9:30 a.m.

Torlakson, Chair, Margett, Vice Chair, Ackerman, Hollingsworth, Machado, Perata, and Soto

**Natural Resources and Wildlife** (9) 2nd & 4th Tuesday, 9:00 a.m.

Kuehl, Chair, Oller, Vice Chair, Alpert, Bowen, Denham, Hollingsworth, Ortiz, Sher, and Torlakson

**Public Employment and Retirement** (5) 2nd & 4th Monday, 2:30 p.m.  
Soto, Chair, Ashburn, Vice Chair, Karnette, Oller, and Scott

**Public Safety** (6) Every Tuesday, 9:30 a.m.  
McPherson, Chair, Vasconcellos, Vice Chair, Burton, Margett, Romero,  
and Sher

**Revenue and Taxation** (7) 2nd & 4th Wednesday, 1:30 p.m.  
Cedillo, Chair, Poochigian, Vice Chair, Alpert, Ashburn, Bowen,  
Burton, and Knight

**Rules** (5) Every Wednesday, 1:30 p.m.  
Burton, Chair, Johnson, Vice Chair, Karnette, Knight, and Romero

**Transportation** (13) 1st & 3rd Tuesday, 1:30 p.m.  
Murray, Chair, McClintock, Vice Chair, Ashburn, Brulte, Figueroa,  
Florez, Karnette, Morrow, Perata, Scott, Soto, Speier, and Torlakson

**Veterans Affairs** (7) 2nd & 4th Tuesday, 1:30 p.m.  
Morrow, Chair, Knight, Vice Chair, Chesbro, Denham, Ducheny, Dunn,  
and Soto

BURTON, Chair

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Battin requested that when the Senate adjourns this day it do so in memory of Susan Marx of Palm Desert.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Mariela Spassova Yarema of Hermosa Beach.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Donald Ray Young of San Francisco.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Brue Childs.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Gale Avakian Anderson, Mary Jane Bocchini, Robert G. Lippert, M.D., and Joyce Ann Caglia Smith of Fresno.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Johnson, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 14, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, January 14, 2003

The Senate met at 9 a.m.  
Hon. Sam Aanestad, of the 4th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senators Machado and Ortiz will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Public Safety

Senate Chamber, January 14, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 32

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 32**—An act to amend Sections 629.51 and 629.62 of the Penal Code, relating to wiretapping.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 32 pursuant to Joint Rule 58.

SENATOR MCPHERSON

**Permission of Rules Committee**

Senate Chamber, January 14, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 32.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 55:** By Senator Ackerman—An act to add Section 17580.5 to the Government Code, relating to state-mandated local programs.

**Senate Bill 56:** By Senator Hollingsworth—An act to add Sections 12749.93 and 12749.94 to the Water Code, relating to water development projects.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Machado and Ortiz.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Bowen requested that when the Senate adjourns this day it do so in memory of E. Ross Harrington of Redondo Beach.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Kellie Frances Lee of Simi Valley.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Jennifer Yarnall of Upland.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, January 15, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, January 15, 2003

The Senate met at 9 a.m.  
Hon. Jeff Denham, of the 12th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, January 15, 2003

Mr. President: The Senate Rules Committee has appointed the following Senate standing committees for the 2003–2004 Session:

**Agriculture and Water Resources** (13) 1st & 3rd Tuesday, 9:30 a.m.  
Machado, Chair, Poochigian, Vice Chair, Aanestad, Alpert, Battin, Bowen, Denham, Ducheny, Florez, Kuehl, Margett, Perata, and Torlakson

**Business and Professions** (7) 2nd & 4th Monday, 1:30 p.m.  
Figueroa, Chair, Aanestad, Vice Chair, Brulte, Cedillo, Machado, Murray, and Vincent

**Governmental Organization** (13) Every Tuesday, 9:30 a.m.

Vincent, Chair, Johnson, Vice Chair, Brulte, Cedillo, Chesbro, Dunn, Karnette, Knight, Machado, Margett, Morrow, Murray, and Soto

**Insurance** (9) 1st & 3rd Wednesday, 1:30 p.m.

Speier, Chair, Johnson, Vice Chair, Escutia, Figueroa, Morrow, Oller, Perata, Scott, and Soto

The Senate Rules Committee has appointed the following joint committees for the 2003–2004 Session:

**Arts**—Senators Scott, Chair, Ackerman, Johnson, Kuehl, and McPherson (1 vacancy remains)

**Develop a Master Plan for Education**—Senators Alpert, Chair, Alarcón, Karnette, Knight, McPherson, Murray, Poochigian, Scott, and Vasconcellos

**Fairs Allocation and Classification**—Senators Denham, Dunn, Florez, Karnette, Oller, Perata, and Poochigian

**Fisheries and Aquaculture**—Senators Alpert, Chesbro, Karnette, and McPherson (Senator Alpert recommended as Vice Chair)

**Legislative Budget**—Senators Ackerman, Alpert, Battin, Chesbro, Dunn, McClintock, Scott, and Vasconcellos (Senator Chesbro recommended as Chair)

**Preparing California for the 21st Century**—Senators Vasconcellos, Co-Chair, Battin, Bowen, Ducheny, Escutia, Johnson, Perata, Poochigian, and Vincent

**Rules**—Senators Johnson, Vice Chair, Brulte, Burton, Dunn, Escutia, Karnette, Knight, Murray, Ortiz, Poochigian, and Romero

**Legislative Sunset Review**—Senators Figueroa, Chair, Aanestad, and Vincent

The Senate Rules Committee has extended the following select committees through November 30, 2004 with the following members:

**Alameda Corridor East**—Senators Escutia, Chair, Karnette, Vice Chair, Brulte, Margett, and Soto

**Anti-Terrorism Policy**—Senators McPherson, Chair, Ortiz, Vice Chair, Ackerman, Bowen, and Burton

**Bay Area Infrastructure**—Senators Torlakson, Chair, Figueroa, McPherson, Perata, and Vasconcellos

**Bay Area Transportation**—Senators Perata, Chair, Burton, Chesbro, Figueroa, McPherson, Sher, Speier, Torlakson, and Vasconcellos

**California's Horse Racing Industry**—Senators Vincent, Chair, Alpert, Battin, Figueroa, Johnson, Margett, McPherson, Murray, Oller, Perata, Romero, Soto, and Torlakson

**California's Wine Industry**—Senators Chesbro, Chair, Ackerman, Alpert, Burton, Denham, Dunn, Hollingsworth, Margett, McPherson, Oller, Perata, Poochigian, and Vincent (1 vacancy remains)

**Capitol Area Flood Protection**—Senators Ortiz, Chair, Aanestad, Oller, Machado, and Torlakson (1 vacancy remains)

**Central Valley Economic Development**—Senators Poochigian, Chair, Denham, Florez, and Machado (1 vacancy remains)

**College and University Admissions and Outreach**—Senators Alarcón, Chair, Alpert, Cedillo, McPherson, Morrow, Scott, and Vincent

**Delta Resources and Development**—Senators Machado, Chair, Poochigian, and Torlakson (2 vacancies remain)

**Developmental Disabilities and Mental Health**—Senators Chesbro, Chair, Brulte, Escutia, Kuehl, and Perata (1 vacancy remains)

**Economic Development**—Senators Vasconcellos, Chair, Alpert, Brulte, Cedillo, Figueroa, and McPherson

**Entertainment Industry**—Senators Murray, Chair, Alarcón, Battin, Burton, Johnson, Karnette, and Kuehl

**Family, Child and Youth Development**—Senators Alpert, Chair, Dunn, Escutia, Margett, Ortiz, Poochigian, and Vincent

**Government Oversight**—Senators Speier, Chair, Alpert, Brulte, McPherson, and Perata

**Mobile and Manufactured Homes**—Senators Dunn, Chair, Chesbro, Ducheny, Hollingsworth, Morrow, and Sher

**Oversight of the Department of Energy Laboratories Operated by the University of California**—Senators Ducheny, Chair, Alarcón, Perata, Romero, and Torlakson (2 vacancies remain)

**School Safety**—Senators Kuehl, Chair, McPherson, and Scott

**Status of Ending Poverty in California**—Senators Alarcón, Chair, Chesbro, Johnson, Perata, Romero, and Vincent (2 vacancies remain)

**Technological Crime and the Consumer**—Senators Figueroa, Chair, Battin, Bowen, McPherson, and Vasconcellos

**Urban Economic Development**—Senators Soto, Chair, Ackerman, Escutia, Machado, Margett, and Romero (1 vacancy remains)

**Urban Landfills**—Senators Romero, Chair, Alarcón, Margett, Sher, and Soto (1 vacancy remains)

The Senate Rules Committee has created the following new select committees for the 2003–2004 Session:

**Citizen Participation**—Senators Dunn, Chair, Poochigian, and Romero

**California Emergency Rooms and Trauma Centers**—Senators Romero, Chair, Aanestad, Battin, Dunn, and Vincent

**Immigration and the Economy**—Senator Cedillo, Chair

The Senate Rules Committee has increased the membership of the Select Committee on the California Correctional System from 7 to 8 and appointed the following members to serve on the committee: Senators McPherson, Vice Chair, Burton, Denham, Karnette, Kuehl, Machado, and Vasconcellos. Senator Romero serves as Chair

BURTON, Chair

State Capitol, January 15, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

James D. Boyd, Member, State Energy Resources Conservation and Development Commission (5–0)

Tameron B. Mitchell, Chief Deputy Director, Department of Social Services (5–0)

Barry D. Broad, Member, State Building Standards Commission (5–0)

Donald F. Dickerson, Member, State Building Standards Commission (5–0)

Rita Cameron-Wedding, Member Commission on the Status of Women (5–0)

Elena Ong, Member, Commission on the Status of Women (5–0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 57:** By Senator Burton—An act to add Section 1182.12 to the Labor Code, relating to wages.

**Senate Bill 58:** By Senators Johnson, Alpert, Battin, Florez, Knight, McPherson, and Speier (Coauthors: Assembly Members Benoit, Campbell, Daucher, La Malfa, Maddox, Mountjoy, Nakanishi, Pacheco, Plescia, Spitzer, Strickland, and Wyland)—An act to add Section 1798.68.5 to the Civil Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 59:** By Senator Escutia—An act to amend Section 395 of, and to add Section 395.5 to, the Welfare and Institutions Code, relating to adoption.

**Senate Bill 60:** By Senator Cedillo—An act relating to public safety.

**Senate Joint Resolution 4:** By Senator Dunn—Relative to Thimerosal lawsuits.

**Senate Resolution 7:** By Senator Escutia—Relative to National Mentoring Month.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Deputy Karen Johnson, Placer County Sheriff's Department.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, January 16, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, January 16, 2003

The Senate met at 9 a.m.  
Hon. Sam Aanestad, of the 4th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz,  
Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and  
Vincent—38.

Quorum present.

*(NOTE: Senator Perata will be excused this day on legislative business and  
Senator Sher will be excused this day due to illness.)*

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
January 16, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and

consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

William B. Kolender, Sheriff of San Diego County. Appointed 1/2/03. Effective 1/13/03:

Member, Board of Corrections vice Louis J. Blanas, resigned, term ending 1/1/06.

Susan P. Kennedy, former Cabinet Secretary and Deputy Chief of Staff to the Governor. Appointed 1/2/03. Effective 1/10/03:

Member, Public Utilities Commission vice Henry M. Duque, term expired, term ending 1/1/09.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol  
January 16, 2003

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Nadia M. Davis

Member,  
Commission on Teacher Credentialing

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

State Capitol, January 15, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Renata Sos of Moraga as a member of the California Board of Accountancy to serve for a term ending June 4, 2007.

Appointed Ms. Cecilia Esquivel of Sacramento and Mr. Robert Weber of Novato as members of the California Commission on Aging to serve a term ending January 15, 2006.

Appointed Senator Torlakson as a member of the State Allocation Board to replace Senator Burton.

Appointed Ms. Toni Iseman of Laguna Beach as a member of the California Coastal Commission to serve for a term ending January 15, 2005.

Appointed Mr. John Myers of Carmichael as a member of the Child Abuse and Neglect Reporting Act Task Force to serve at the pleasure of the Rules Committee.

Appointed Mr. David A. Lash of Los Angeles as a member of the Holocaust Era Insurance Claims Oversight Committee to serve at the pleasure of the Rules Committee.

Appointed Supervisor Anthony Oliveira of Lemoore as a member of the Hazardous Waste Appeals Board to serve for a term ending April 2, 2007.

Appointed Senator Ducheny as a member of the Commission of the Californias to replace Senator Polanco.

Appointed Senator Dunn as a member of the Criminal Justice Council to replace Senator O'Connell.

Appointed Senator Denham as a member of the California Emergency Council to replace Senator Johannessen.

Appointed Senator Ortiz as a member of the Emergency Medical Services Task Force.

Appointed Senator Vincent as a member of the Los Angeles Memorial Coliseum to replace Senator Calderon.

Appointed Senator Cedillo as a member of the Public Works Board to replace Senator Polanco.

Appointed Senator Florez as a member of the Rural Development Council to replace Senator Monteith.

Appointed Senator Scott as a member of the School Building Finance Committee to replace Senator O'Connell.

Appointed Senator Ortiz as a member of the Mexican-American Veterans Memorial Beautification & Enhancement Commission to replace Senator Polanco.

Appointed Senator Kuehl as a member of the Wildlife Conservation Board to replace Senator O'Connell.

Appointed Senator Karnette as a member of the World Trade Commission to replace Senator Costa.

Reappointed Senator Bowen to serve as a member of the Electricity Oversight Board.

Reappointed Senator Murray to serve as a member of the Film Commission.

Reappointed Senator Escutia to serve as a member of the Judicial Council.

Reappointed Senator Alarcón to serve as a member of the Seismic Safety Commission.

BURTON, Chair

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 61:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 62:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 63:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

**Senate Bill 64:** By Senator Speier—An act to amend Sections 790.03 and 791.12 of the Insurance Code, relating to homeowners' insurance.

**Senate Bill 65:** By Senators Torlakson, Escutia, and Ortiz (Principal coauthors: Assembly Members Jackson and Leno)—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

**Senate Bill 66:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 50060.5, 53316.2, 55863, 61601.27, 61601.28, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 38301 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, and to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of the Public Resources Code, relating to local government.

#### **COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: April 10, 2002, relating to well sampling and preventative actions taken was received from the Department of Pesticide Regulation and transmitted to the Committee on Environmental Quality.

A report dated: December 5, 2002, relating to Dual Diagnosis Pilot Projects for Culturally Diverse Adults with Co-Occurring Mental Illness and Substance-Related Disorders was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: December 10, 2002, relating to Disabled Veterans Business Enterprise participation was received from the Department of Veteran Affairs and transmitted to the Committee on Governmental Organization.

A report dated: December 12, 2002, relating to damages awarded for claims caused by negligence was received from the Board of Vocational Nursing and Psychiatric Technicians and transmitted to the Committee on Business and Professions.

A report dated: December 12, 2002, relating to the financial status of regional centers was received from the Department of Developmental Services and transmitted to the Committee on Health and Human Services.

A report dated: December 12, 2002, relating to utilization of classrooms and laboratories was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

The April 1, 2002, quarterly report dated: December 12, 2002, relating to the Energy Resource Scheduling Department's activities and expenditures was received from the Department of Water Resources and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: December 12, 2002, relating to class size reduction was received from the Department of Education and transmitted to the Committee on Education.

A report dated: December 12, 2002, relating to Substance Abuse Treatment programs was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 12, 2002, relating to lifer parole hearings was received from the Board of Prison Terms and transmitted to the Committee on Public Safety.

A report dated: December 13, 2002, relating to the Juvenile Court and Probation Statistical System was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: December 16, 2002, relating to year round operations was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

Reports dated: December 17, 2002, relating to Medi-Cal Providers on Probation—2001–2002 were received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

A report dated: December 18, 2002, relating to settlement agreements and arbitration awards was received from the Board of Registered Nursing and transmitted to the Committee on Business and Professions.

A report dated: December 18, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Business, Transportation and Housing Agency and transmitted to the Committee on Governmental Organization.

The annual report dated: December 19, 2002, was received from the Department of Consumer Affairs and transmitted to the Committee on Business and Professions.

A report dated: December 19, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Office of the State Public Defender and transmitted to the Committee on Governmental Organization.

A report dated: December 19, 2002, relating to the health and conditions of California's lands and natural resources was received from the Department of Resources and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: December 20, 2002, relating to the use of non-Field Act compliant buildings for public schools was received from the Seismic Safety Commission and transmitted to the Committee on Education.

A report dated: December 20, 2002, relating to crimes committed against homeless persons was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: December 20, 2002, relating to Joint CSU and UC Doctor of Education programs was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 20, 2002, relating to the management of State School Lands was received from the State Lands Commission and transmitted to the Committee on Governmental Organizations.

A report dated: December 20, 2002, relating to the Collaborative Academic Preparation Initiative was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 23, 2002, relating to Disabled Veterans Bond Services participation was received from the California Housing Finance Agency and transmitted to the Committee on Veteran Affairs.

A report dated: December 26, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Franchise Tax Board and transmitted to the Committee on Governmental Organization.

An Initiative Title and Summary dated: December 26, 2002, relating to Personal Income Taxes. Collection. Procedures. Initiative Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

The annual report dated: December 26, 2002, was received from the Employment Training Panel and transmitted to the Committee on Labor and Industrial Relations.

A report dated: December 27, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Department of Housing and Community Development and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2002, relating to Disabled Veteran Business Enterprise participation was received from the California Highway Patrol and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2002, relating to automation and information technology systems was received from Department of Alcoholic Beverage Control and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2002, relating to the Sustainable Communities Grant and Loan program was received from the California Pollution Control Financing Authority and transmitted to the Committee on Local Government.

A report dated: December 30, 2002, relating to the California Recycle Underutilized Sites program was received from the California Pollution Control Financing Authority and transmitted to the Committee on Local Government.

A report dated: December 30, 2002, relating to the Target Business Enterprise program was received from the Office of the Treasurer and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2002, relating to Disabled Veteran Business Enterprise participation was received from the Department of Managed Health Care and transmitted to the Committee on Governmental Organization.

A report dated: December 31 2002, relating to the Gang Violence Suppression program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 31, 2002, relating to railroad safety was received from the Public Utilities Commission and transmitted to the Committee on Transportation.

A report dated: December 31, 2002, relating to the special faculty permit program was received from the Medical Board of California and transmitted to the Committee on Business and Professions.

An audit report dated: January 2, 2003, relating to the Department of Social Services' Statewide Fingerprint Imaging System was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: January 3, 2003, relating to Unpaid Holocaust-Era Insurance Claims was received from the Department of Insurance and transmitted to the Committee on Insurance.

The annual report dated: January 6, 2003, was received from the California Transportation Commission and transmitted to the Committee on Transportation.

A report dated: January 8, 2003, relating to prepaid phone card fraud was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 8, 2003, relating to ocean resources management science coordination was received from the Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 8, 2003, relating to the Renewable Energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: January 9, 2003, relating to the Pesticide Contamination Prevention Act was received from the Department of Pesticide Regulation and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 9, 2003, relating to the Prison Representative program was received from Department of Corrections and transmitted to the Committee on Public Safety.

A report dated: January 9, 2003, relating to the Substance Abuse Treatment program was received from the Department of Corrections and transmitted to the Committee on Public Safety.

A report dated: January 10, 2003, relating to the Safe at Home Confidential Address program was received from the Secretary of State and transmitted to the Committee on Health and Human Services.

A report dated: January 10, 2003, relating to the monthly qualification of gun officers was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

The annual report dated: January 10, 2003, was received from the California Law Revision Commission and transmitted to the Committee on Judiciary.

A report dated: January 10, 2003, relating to the Low Cost Automobile Insurance program was received from the Department of Insurance and transmitted to the Committee on Insurance.

A report relating to Disabled Veteran Business Enterprise participation was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Governmental Organization.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Natural Resources and Wildlife**

**SB 22**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (0)—None.

Date of Hearing: 1/14/03

Kuehl (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Perata.

The following Senator was granted leave of absence for the day due to illness: Senator Sher.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Friday, January 17, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, January 17, 2003

The Senate met at 8:30 a.m.  
Hon. Debra Bowen, of the 28th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent—31.

Quorum present.

*(NOTE: Senators Alpert, Battin, Escutia, Florez, Morrow, Murray, and Ortiz will be excused this day on legislative business, Senator Speier will be excused this day on personal business, and Senator Sher will be excused this day due to illness.)*

**PRAYER**

Upon invitation of the President, the following prayer was offered by Dr. Ivan L. Williams, Sr., Senior Pastor of Maranatha Seventh Day Adventist Church, Sacramento, and a Chaplain of the Assembly:

*Our Father in Heaven*, We pray this morning that Thou wilt teach us all how to live, that we may provide an example to all the world that all men and women are created equal in Your sight. Yet we confess before Thee that bigotry, injustice, and intolerance still plague us in this land.

We pray, O God, that our brother and sisterhood along with fairness, justice, love, and the spirit to do good will reign supreme in these halls of legislation. We thank Thee this morning for allowing us to stand in the legacy of one of Your sons named Martin Luther King, Jr., a man who left for us his life, mettle, and deeds. Your son, O God, a drum major for justice.

We ask that in this place the striving for justice will be for all the people, and by people that California and America will be a better place for all of Your people and we ask this in the name of our God.—AMEN!

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Karnette led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 16, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 12

E. DOTSON WILSON, Chief Clerk of the Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Natural Resources and Wildlife**

Date of Hearing, January 17, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 22

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT (ACR 12)**

Senator Vincent asked for, and was granted, unanimous consent that ACR 12 be taken up at this time without reference to file.

**Consideration of Assembly Concurrent Resolution 12**

**Assembly Concurrent Resolution 12**—Relative to Dr. Martin Luther King, Jr. Day.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (0)—None.

**Co-Authors Added**

Without objection all members voting “Aye” were added as co-authors to ACR 12.

Resolution ordered transmitted to the Assembly

**REMARKS BY THE CHAPLAIN**

The life and legacy of Martin Luther King, Jr. permeates every facet of our social and political world. And it permeates in ways great and small, direct and indirect.

Although he was assassinated over thirty-four years ago, his hypnotic voice and unique vision linger in the background of every conversation that touches upon race, the state of black America, and this nation’s multiracial future.

His name, an eponym given to streets and community centers, is invoked these days with the piety and emotional distance that is reserved for this republic’s Founders, and well it should be, for Dr. King was a revolutionary whose deeds created the structure, the texture, and the tone of the society in which we live.

Yet in some ways his posthumous visibility renders his life, and the high drama of the noble, world-altering movement he symbolized, largely invisible to the generations born after 1968. This is the price of canonization.

Vaguely, we remember a little something of his many southern campaigns, but seldom all the principal players and his ever-broadening agenda for global peace and economic justice, but with each passing decade the details grow a bit fainter. Indeed, some are forgotten entirely, lost as King is airbrushed, reinterpreted, packaged, and repackaged by those on the left and right (even those terms had a different meaning than they did in King’s era), by liberals and conservatives, by everyone from Afrocentrists to those who use his memory to oppose programs that he would approve.

How soon we forget that King was not only a civil rights activist, but also this country’s preeminent moral philosopher, a spiritual aspirant, a father and a husband, and that these diverse roles, these multiple dimensions of his too brief life were the foundations for his singular “Dream” that inspired millions.

May his memory, his legacy, his life, his footprints, and his dream live on in our hearts in these halls of justice for all.

**CONSIDERATION OF THE DAILY FILE  
UNFINISHED BUSINESS**

**Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Barry D. Broad, Member, State Building Standards Commission be taken up separately.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Donald F. Dickerson, Member, State Building Standards Commission.,  
Rita Cameron-Wedding, Member, Commission on the Status of Women.  
Elena Ong, Member, Commission on the Status of Women.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (25)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Chesbro, Ducheny, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Perata, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Barry D. Broad, Member, State Building Standards Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (21)—Senators Aanestad, Alarcón, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Brulte, McClintock, and Oller.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

James D. Boyd, Member, State Energy Resources Conservation and Development Commission.

Tameron B. Mitchell, Chief Deputy Director, Social Services Department.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (26)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**COMMUNICATIONS**

The following communication was ordered printed in the Journal:

Senate Republican Leader

January 17, 2003

*Greg Schmidt*

*Secretary of the Senate*

Dear Greg: This is to inform you that I have appointed Dennis Hollingsworth as Republican Whip.

Thank you for your attention to this matter.

Sincerely,

JAMES L. BRULTE

Senate Republican Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alpert, Battin, Escutia, Florez, Morrow, Murray, and Ortiz.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Sher.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 21, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 16, 2003

Madam President: The Senate Rules Committee has created a Select Committee on Health Care for All Californians and appointed the following members to serve on the committee: Senators Kuehl, Chair, Cedillo, Chesbro, Figueroa, Ortiz, and Speier.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 67:** By Senator Bowen—An act to amend Section 399.14 of the Public Utilities Code, relating to energy.

**Senate Bill 68:** By Senator Alpert—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

**Senate Bill 69:** By Senator Oller—An act to amend Section 54.1 of the Civil Code, relating to civil rights.

**Senate Bill 70:** By Senators Torlakson, Escutia, and Ortiz (Principal coauthors: Assembly Members Frommer, Jackson, and Leno) (Coauthor: Senator Karnette)—An act to amend Section 8483.55 of the Education Code, relating to education, and making an appropriation therefor.

**Senate Bill 71:** By Senator Kuehl—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Melinda Ohler of San Francisco.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Peter Palmquist of Arcata.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Theodore N. Bokides of Weiser, Idaho.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Robert Vartabedian and Leo Chooljian of Fresno.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Lloyd Monserrat of Los Angeles.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 2:30 p.m., Tuesday, January 21, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, January 21, 2003

The Senate met at 2:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Murray will be excused this day on legislative business and Senator Denham will be excused this day on personal business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Almighty God*, Who are Mother and Father of us all, look upon Your planet Earth divided: Help us to know we are all Your children; that all nations belong to one great family, and all of our religions lead to You. Multiply our prayers in every land until the whole Earth becomes Your congregation, united in Your love. Sustain our vision of a peaceful future and give us strength to work unceasingly to make that vision real.—AMEN.

(Helen Weaver)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 21, 2003

Mr. President: The Senate Rules Committee has appointed the remainder of the Senate standing committees for the 2003–2004 Session:

**Appropriations** (13) Every Monday, 9:30 a.m.

Alpert, Chair, Battin, Vice Chair, Aanestad, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier

**Energy, Utilities and Communications** (9) 2nd & 4th Tuesday, 1:30 p.m.

Bowen, Chair, Morrow, Vice Chair, Alarcón, Battin, Dunn, McClintock, Murray, Sher, and Vasconcellos

The Senate Rules Committee has appointed Senator Hollingsworth as a member of the Senate Committee on Agriculture and Water Resources to replace Senator Battin.

The Senate Rules Committee has appointed Senator Battin as a member of the Senate Committee on Governmental Organization to replace Senator Knight.

The Senate Rules Committee has increased the membership of the Senate Committee on Housing and Community Development from 7 to 9 and appointed Senator Dunn to fill one of the vacancies (one vacancy remains).

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 72:** By Senator Dunn—An act relating to electric power.

**Senate Bill 73:** By Senator Alpert—An act to amend Section 431 of, and to add Section 412.5 to, the Military and Veterans Code, relating to the state militia.

**Senate Concurrent Resolution 4:** By Senator Morrow—Relative to the California Law Revision Commission.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 22**—An act to repeal Section 8 of Chapter 1154 of the Statutes of 2002, relating to mining, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**RECESS**

At 2:48 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 2:48 p.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Murray.

The following Senator was granted leave of absence for the day due to personal business: Senator Denham.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 2:48 p.m., on motion of Senator Johnson, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Johnson moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Wednesday, January 22, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 12

Assembly Chamber, January 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 2

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Joint Resolution 2**—Relative to the 30th anniversary of Roe v. Wade.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Edward Day of Mission Viejo.

Senator Burton requested that when the Senate adjourns this day it do so in memory of John Monteiro of Sacramento.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Morris Kight of Los Angeles and Alvin Rush of Beverly Hills.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Scott Fitzpatrick of Alturas.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Bob Vincent of Danville.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Johnson, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, January 22, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, January 22, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Ortiz, Perata, Poochigian,  
Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and  
Vincent—38.

Quorum present.

*(NOTE: Senators Murray and Oller will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 4

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 4**—Relative to the Anaheim Angels.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 74:** By Senators Torlakson, Escutia, and Ortiz (Principal coauthors: Assembly Members Frommer, Jackson, and Leno) (Coauthor: Senator Karnette)—An act to add Section 11005.4 to the Government Code, relating to state property.

**Senate Bill 75:** By Senator Burton—An act to add Section 1164.15 to the Labor Code, relating to employment.

**Senate Bill 76:** By Senator Denham—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 77:** By Senator Burton—An act to amend Section 2622 of, and to repeal and add Section 2620 of, the Business and Professions Code, relating to healing arts.

**Senate Bill 78:** By Senators Torlakson and Ortiz (Principal coauthors: Assembly Members Frommer, Jackson, and Leno) (Coauthor: Senator Karnette)—An act to amend Section 33350 of the Education Code, relating to physical education.

**Senate Bill 79:** By the Committee on Judiciary (Senators Escutia (Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)—An act to amend Sections 20437 and 71601 of, and to repeal Section 71081 of, the Government Code, and to amend Sections 830.1 and 3075 of the Penal Code, relating to courts.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Murray and Oller.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Mary Mahoney of Concord.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 8:30 a.m., Thursday, January 23, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 23, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senators Battin, Florez, and Murray will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Forgive us, most gracious Lord, if this day we do or say anything to increase the pain of the world. Pardon the unkind words, the impatient gestures, the hard and selfish deeds, the failure to show sympathy and kindly help where we have the opportunity, but miss it, and enable us so to live that we may daily do something to lessen the tide of human sorrow, and add to the sum of human happiness.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Soto led the Senate in the pledge of allegiance to the Flag.

**RECESS**

At 8:43 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 8:52 a.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Florez, and Murray.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 8:53 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 27, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, January 23, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 22

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 80:** By Senator Oller—An act to add Section 17204.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 81:** By Senator Alpert—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

**Senate Bill 82:** By Senator Margett—An act to add Section 11352.3 to the Health and Safety Code, relating to controlled substances.

**Senate Bill 83:** By Senator Soto (Coauthor: Assembly Member Chavez)—An act to amend Sections 53750 and 54984.7 of the Government Code, relating to local agency assessments.

**Senate Bill 84:** By Senator Scott—An act to repeal Section 44306 of the Education Code, relating to teacher credentialing.

**Senate Bill 85:** By Senator Torlakson—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

**Senate Concurrent Resolution 5:** By Senator Scott—Relative to visual and performing arts education.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Mary Dunlap of San Francisco, Patricia Monaghan of Santa Rosa, and Kazuo Shintani of Oakland.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Peggy Kernan of Sacramento, Elmer F. Porini of El Dorado County and Dorothy Searcy of Napa.

Senators Ducheny and Morrow requested that when the Senate adjourns this day it do so in memory of Mary "Micki" Moore of San Diego.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Berkley B. Bailey of Lancaster.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Anne Candia and Travis Alexander Pinheiro of Santa Cruz.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Charles Cherniss of Pasadena.

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Michael Rene Pouliot of San Diego.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, January 27, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, January 27, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

May all the wrongs done to us or by us be written in sand. May all the good things that happen be written on marble. May we let go of all emotions which diminish us such as resentment and retaliation and may we hold on to that which increases us, such as gratitude and joy. For this we pray.—AMEN.

(Arab proverb, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Aanestad led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 27, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—SB 56.

**Business and Professions**—SB 77.

**Education**—SB 40, SB 45, SB 65, SB 70, SB 71, SB 78.

**Energy, Utilities and Communications**—SB 46, SB 67.

**Environmental Quality**—SB 68.

**Governmental Organization**—SB 41, SB 74.

**Health and Human Services**—SJR 3.

**Housing and Community Development**—SB 54.

**Insurance**—SB 64.

**Judiciary**—SB 59, SB 69, SB 79; SCR 4; SJR 4.

**Labor and Industrial Relations**—SB 57, SB 75.

**Local Government**—SB 61, SB 62, SB 63, SB 66.

**Public Safety**—SB 42, SB 44, SB 48, SB 51, SB 52, SB 58.

**Revenue and Taxation**—SB 43, SB 47.

**Rules**—SB 50, SB 55, SB 60, SB 72, SB 76.

**Transportation**—SB 49; SCR 3.

**Veterans Affairs**—SB 73.

State Capitol, January 27, 2003

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Michael Kahn, Member, Independent System Operator Governing Board (4-0)

BURTON, Chair

Above appointment ordered placed on unfinished business file.

**Senator Alpert Presiding**

**REQUEST FOR UNANIMOUS CONSENT (SR 7)**

Senator Escutia asked for, and was granted, unanimous consent that SR 7 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Resolution 7**

**Senate Resolution 7**—Relative to National Mentoring Week.

Resolution read and adopted on motion of Senator Escutia.

**CONSIDERATION OF GOVERNOR’S APPOINTMENT**

Senator Burton placed the following Governor’s appointment before the Senate:

Michael Kahn, Member, Independent System Operator Governing Board.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Dunn.

**RECESS**

At 1:53 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 1:53 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 1:56 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 28, 2003.

Motion carried.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Select Committee on Central Valley Economic Development to meet on January 31, without four days notice in the file.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 27, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 38

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 38**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 27, 2003

Madam President: The Senate Rules Committee has extended the Select Committee on Genetics, Genetic Technologies and Public Policy through November 30, 2004 and appointed the following members to serve on the committee: Senators Alpert, Chair, Battin, Johnson, Kuehl, Oller, Ortiz and Scott.

The Senate Rules Committee has extended the Select Committee on Baylands Acquisition through February 28, 2003 and appointed the following members to serve on the committee: Senators Sher, Chair, Burton, Figueroa, McPherson, Speier and Vasconcellos.

The Senate Rules Committee has appointed Senator Kuehl as a member of the Select Committee on Urban Economic Development to fill an existing vacancy.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #4 outlining the jurisdiction of the Select Committee on Citizen Participation.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #5 outlining the jurisdiction of the Select Committee on Health Care for all Californians.

BURTON, Chair

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 86:** By Senator Machado—An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

**Senate Bill 87:** By Senator Hollingsworth—An act to repeal and add Section 379 of the Streets and Highways Code, relating to highways.

**Senate Bill 88:** By Senator Chesbro—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 89:** By Senators Alpert, Battin, Ducheny, Figueroa, Karnette, Kuehl, Margett, Oller, Perata, Romero, Sher, Speier, Torlakson, and Vincent—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

**Senate Concurrent Resolution 6:** By Senator Battin—Relative to California Hispanic Heritage Month.

**Senate Concurrent Resolution 7:** By Senator Battin—Relative to Ronald Reagan Day.

**Senate Concurrent Resolution 8:** By Senator Battin—Relative to Child Abuse Prevention Month.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILL**

**Senate Bill 22**—An act relating to mining, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Suzanne Campbell McGaughey of Los Angeles.

Senator Battin requested that when the Senate adjourns this day it do so in memory of Dennis Jozsef Muchow of Sacramento.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Homer Fisher of Napa and Richard Hartwell of Sonoma County.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Sylvia Shniad of Brea and Nell Carter of Beverly Hills.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Rev. Robert Green of Stockton.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Hugo Boschetti of Walnut Creek.

The Chaplain requested that when the Senate adjourns this day it do so in memory of Gayle Jackson of San Jose and Casey Jackson of Palo Alto.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 28, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, January 28, 2003

The Senate met at 9 a.m.  
Hon. Charles Poochigian, of the 14th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
January 28, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent.

I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

James Stephen (Steve) Peace, former member of the California State Legislature. Appointed 1/21/03. Effective 1/21/03:  
Director of Finance vice B. Timothy Gage, resigned, term ending at the pleasure of the Governor.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol  
January 28, 2003

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation:

Paul D. Carleton                      Chief Deputy Director, Department of  
Developmental Services

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

State Capitol, January 28, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Judith N. Frank, Member, California Health Facilities Financing Authority (5-0)

Theodore N. Hariton, M.D., Member, California Health Facilities Financing Authority (5-0)

James T. Beall, Jr., Member, Seismic Safety Commission (5-0)

Lucile M. Jones, Ph.D., Member, Seismic Safety Commission (5-0)

Celestine W. Palmer, Member, Seismic Safety Commission (5-0)

Donald R. Parker, Member, Seismic Safety Commission (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 90:** By Senator Torlakson—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

**Senate Bill 91:** By Senator Florez—An act to add Section 14031.9 to the Government Code, and to add Section 185040 to the Public Utilities Code, relating to transportation.

**Senate Bill 92:** By Senators Speier, Ducheny, McPherson, and Soto (Coauthors: Assembly Members Canciamilla, Dutra, Lieber, Mullin, Nunez, and Yee)—An act to repeal and add Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 93:** By Senator Alpert—An act to amend Sections 17551, 17558.5, 17561, 17561.6, 17562, 17564, 17568, and 17600 of, and to repeal Section 17555 of, the Government Code, relating to state mandates, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 94:** By Senator Alpert—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 95:** By Senator Alpert—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 96:** By Senator Alpert—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 97:** By Senator Alpert—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 98:** By Senator Alpert—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 49** was withdrawn from the Committee on Transportation and re-referred to the Committee on Rules.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, January 29, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, January 29, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—38.

Quorum present.

*(NOTE: Senator Alpert will be excused this day on legislative business and Senator Vasconcellos will be excused this day due to illness.)*

### INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 99:** By Senator Burton—An act to add Section 10205.1 to the Government Code, relating to the Legislative Counsel Bureau.

**Senate Bill 100:** By Senator Dunn (Principal coauthor: Assembly Member Correa)—An act to amend Section 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

**Senate Bill 101:** By Senator Chesbro—An act to amend Section 1367.2 of the Health and Safety Code, and to amend Section 10123.6 of the Insurance Code, relating to health care coverage.

**Senate Bill 102:** By Senator Burton—An act to amend Sections 22121, 22134.5, 22720, 24203.5, and 24203.6 of the Education Code, relating to state teachers' retirement.

**Senate Bill 103:** By Senator Alpert—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 104:** By Senator Machado (Coauthor: Assembly Member Wolk)—An act to amend Section 384 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Alpert.

The following Senator was granted leave of absence for the day due to illness: Senator Vasconcellos.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, January 30, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 30, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—39.

Quorum present.

*(NOTE: Senator Vasconcellos will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*O Lord*, We pray for the power to be gentle; the strength to be forgiving; the patience to be understanding; and the endurance to accept the consequences of holding to what we believe to be right. May we put our trust in the power of good to overcome evil and the power of love to overcome hatred. We pray for the vision to see and the faith to believe in a world emancipated from violence, where fear shall no longer lead to injustice, nor selfishness result in the suffering of others. Help us to devote our lives, thoughts and energy to the task of making peace, praying always for the inspiration and the power to fulfill the destiny for which we were created.—AMEN.

(Adapted from *Week of Prayer for World Peace*, 1978)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Bowen led the Senate in the pledge of allegiance to the Flag.

**RECESS**

At 9:30 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 9:30 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**Senate Bill 22**—An act to repeal Sections 5 and 8 of Chapter 1154 of the Statutes of 2002, relating to mining, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

**UNFINISHED BUSINESS****Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Theodore N. Hariton, M.D., Member, California Health Facilities Financing Authority  
be taken up separately.

**RECESS**

At 9:33 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 10:18 a.m., the Senate reconvened.  
Hon. John L Burton, of the 3rd District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 22)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 22 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**RECESS**

At 10:18 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 10:35 a.m., the Senate reconvened.  
Hon. John L Burton, of the 3rd District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Vasconcellos.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 10:35 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, February 3, 2003.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 105:** By Senator Chesbro—An act to amend Section 4400 of the Welfare and Institutions Code, relating to human services.

**Senate Bill 106:** By Senator Alpert—An act to add Chapter 3.37 (commencing with Section 1596.69) to Division 2 of the Health and Safety Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 107:** By Senator Bowen—An act to repeal Section 350 of the Public Utilities Code, relating to electric power.

**Senate Bill 108:** By Senator Romero (Principal coauthors: Assembly Members Chu and Koretz) (Coauthors: Senators Alarcón, Escutia, and Soto) (Coauthor: Assembly Member Longville)—An act to add Section 23335 to the Business and Professions Code, and to add Chapter 13 (commencing with Section 1900) to Division 2.5 of the Health and Safety Code, relating to emergency medical services, and making an appropriation therefor.

**Senate Bill 109:** By Senator Torlakson—An act to amend Section 33080.8 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 110:** By Senator Margett—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

**Senate Joint Resolution 5:** By Senators Sher and Burton—Relative to the Giant Sequoia National Monument.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:  
January 21, 2003

*Greg Schmidt*  
*Secretary of the Senate*

Dear Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules met, respectively, and approved the following items:

1. Selection of Assembly Member Joe Nation as Chair of the Joint Committee on Rules for the 2003–04 Legislative Session (18–0).
2. Appointment of Jon Waldie as Chief Administrative Officer of the Joint Committee on Rules for the 2003–04 Legislative Session (18–0)

Sincerely,

JOE NATION  
Chair

January 29, 2003

*Greg Schmidt*  
*Secretary of the Senate*

Dear Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Fisheries and Aquaculture were polled, respectively, on January 28, 2003, and approved the following item:

Selection of Assemblymember Patty Berg as Chair, and Senator Dede Alpert as Vice Chair, of the Joint Committee on Fisheries and Aquaculture.

Please ensure that this action is printed in the Journal.

Sincerely,

PATTY BERG  
Chair, Joint Committee on Fisheries and Aquaculture

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator McPherson requested that when the Senate adjourns this day it do so in memory of John Albert Coniglio of Monterey.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Ralph Grupe of Stockton.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of John F. Ferdinandi, Jr. and Virginia Reall of Fresno.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Isabel Curiel of Santa Monica.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, February 3, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, February 3, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Creator of the Universe and All Within It*, We pause for a moment to publicly grieve the loss of the crew of the space shuttle Columbia: Seven irreplaceable human beings who represent the spirit of and the ideals of that which the human race is capable. As their lives are hereafter transformed into myth let us celebrate their courage, their passion for exploring the unknown frontiers, their search for the answers to the great questions: who, how and what are we, as a species, as a planet. Loving God, as each of us has imagined ourselves soaring, with these magnificent seven, beyond the “high untrodden sanctity of space,” reaching out “with silent lifting minds” and touching the essence of Your Spirit, we pray that You will reach back and gather them into Your Divine Being and welcome them home.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Dunn led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 13

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 13**—Relative to Girls and Women in Sports Week.

**REQUEST TO ADJOURN IN MEMORIAM**

On behalf of the entire Senate, Senator Knight moved that when the Senate adjourns this day it do so in memory of the crew of the space shuttle Columbia:

Commander: Col. Rick D. Husband, USAF of Amarillo, Texas

Pilot: Cmdr. William C. McCool, USN of Lubbock, Texas

Payload Commander: Lt. Col. Michael P. Anderson, USAF of Spokane, Washington

Mission Specialist: Capt. David M. Brown, USN of Arlington, Virginia

Mission Specialist: Dr. Kalpana Chawla of Karnal, India

Mission Specialist: Cmdr. Laurel S. Clark, USN of Racine, Wisconsin

Payload Specialist: Col. Ilan Ramon, Israeli AF of Tel Aviv, Israel

**Remarks**

Our nation mourns the loss of Columbia's crew, the seven brave men and women who gave their lives to further our knowledge of the great unknown. Their souls will ascend to the stars they pursued.

As a test pilot and astronaut, I know first-hand the dangers of high-speed flight and space—we did what was necessary to advance our country's technological base and to create opportunities for future generations to continue that research. There should be no talk of canceling our space program and negating the accomplishments of all who have gone before.

These tragedies draw us closer together and make us a better country. But . . . it is my hope that through this tragedy we develop a focused goal that utilizes the true benefits of space exploration and experimentation. That will be their legacy.

My condolences to the astronauts' families, and God bless them.

**RECESS**

At 2 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 3 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 3 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 4, 2003.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 111:** By Senator Knight—An act to amend Sections 4866 and 6086.12 of, and to repeal Section 2106 of, the Business and Professions Code, to amend Section 89343 of, and to repeal Sections 45357, 51882, 62006, 62007, and 62008 of, the Education Code, to repeal Section 20025 of the Family Code, to amend Sections 853 and 7147 of, and to repeal Section 715 of, the Fish and Game Code, to amend Section 58509 of, and to repeal Sections 13124 and 13125 of, the Food and Agricultural Code, to repeal Section 16272.3 of the Government Code, to amend Sections 11798.1, 11831.5, 11998.2, and 16109 of, to repeal Sections 1529.3, 11756.5, 11757.62, 11782, and 11963.5 of, and to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, the

Health and Safety Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 7514, 13508, and 14210 of, and to repeal Sections 7009, 11110, and 13871 of, the Penal Code, to repeal Section 8303, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405 and 19264 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to amend Sections 14112 and 40001 of, and to repeal Sections 2575, 4750.2, 32005, and 34508.5 of, the Vehicle Code, to repeal Section 1061 of the Water Code, and to amend Section 14026.5 of, and to repeal Section 4681.2 of, the Welfare and Institutions Code, relating to state reports.

**Senate Bill 112:** By Senators Speier, Figueroa, Machado, Romero, Scott, Soto, and Torlakson (Coauthors: Assembly Members Hancock, Mullin, Runner, and Yee)—An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

**Senate Bill 113:** By Senator Ackerman—An act to amend Section 1281.5 of the Code of Civil Procedure, relating to mechanic's liens.

**Senate Bill 114:** By Senator Torlakson—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

**Senate Bill 115:** By Senator Torlakson—An act to amend Section 11010 of the Business and Professions Code, and to amend Section 1353 of, and to add Section 1102.175 to, the Civil Code, relating to real property.

**Senate Bill 116:** By Senators Dunn, Alpert, Figueroa, Romero, Scott, Soto, and Speier (Coauthors: Assembly Members Diaz, Harman, Lieber, and Lowenthal)—An act to amend Section 798.51 of the Civil Code, relating to mobilehome parks.

**Senate Bill 117:** By Senators Machado and Kuehl—An act relating to water.

**Senate Bill 118:** By Senator Bowen—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

**Senate Bill 119:** By Senator Morrow—An act relating to energy resources.

**Senate Bill 120:** By Senator Margett—An act to add Chapter 10.7 (commencing with Section 9685) to Division 8.5 of the Welfare and Institutions Code, relating to the elderly and disabled.

**Senate Bill 121:** By Senator Margett—An act to add Section 17053.51 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Joint Resolution 6:** By Senator Soto (Principal coauthor: Senator Torlakson)—Relative to emergency services.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Max Basque of Sacramento and Anthony Easley of Palm Desert.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Paul Golis of Sonoma County and Gordon Logan of Willits.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Martin Christopher Luna.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Bill Wong of Eagle Rock.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 4, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, February 4, 2003

The Senate met at 9 a.m.  
Hon. Joseph L Dunn, of the 34th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and  
Vincent—39.

Quorum present.

*(NOTE: Senator Sher will be excused this day due to illness.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 3, 2003

Mr. President: I am directed to inform your honorable body that the  
Assembly on this day adopted:

ACR 1

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURE**

The following measure was read the first time and referred to the  
Committee on Rules for assignment:

**Assembly Concurrent Resolution 1**—Relative to California  
Holocaust Memorial Week.

**INTRODUCTION AND FIRST READING OF SENATE MEASURE**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 122:** By Senator Escutia—An act to amend Section 17204 of the Business and Professions Code, relating to unfair competition.

**LEAVE OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Sher.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, February 5, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 5, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, February 5, 2003

The Committee on Rules has referred the following measures to committee:

**Appropriations**—SB 94, SB 95, SB 96, SB 97, SB 98.

**Education**—SB 81, SB 84; SCR 5; AB 38.

**Energy, Utilities and Communications**—SB 107.

**Governmental Organization**—SB 88, SB 110.

**Insurance**—SB 101.

**Judiciary**—SB 90.

**Local Government**—SB 83, SB 93, SB 109.

**Natural Resources and Wildlife**—SB 86, SB 89; SJR 5.

**Public Employment and Retirement**—SB 85, SB 99, SB 100, SB 102.

**Public Safety**—SB 82.

**Revenue and Taxation**—SB 80, SB 92, SB 103.

**Rules**—SB 105.

**Transportation**—SB 87, SB 91, SB 104.

The Committee on Rules has referred the following measures to two committees:

**Health and Human Services** and **Public Safety**—SB 106.

**Health and Human Services** and **Rules**—SB 108.

State Capitol, February 5, 2003

Mr. President: The Senate Rules Committee has increased the membership of the Select Committee on California's Wine Industry from 14 to 15 members and appointed Senator Ashburn to fill the new vacancy. The Rules Committee also appointed Senator Machado to the select committee to fill an existing vacancy.

The Senate Rules Committee has increased the membership of the Select Committee on Government Oversight from 5 to 6 members and appointed Senator Vincent to fill the new vacancy.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #3 outlining the jurisdiction of the Select Committee on Air Quality in the Central Valley.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #6 outlining the jurisdiction of the Select Committee on Immigration and the Economy and appointed the following members to serve on the committee: Senators Ashburn, Ducheny, Escutia, McPherson and Romero (Senator Cedillo serves as Chair).

The Senate Rules Committee has appointed the following members to serve on the Joint Legislative Audit Committee: Senators Alarcón, Florez, McClintock, Morrow, Murray, Poochigian and Speier.

BURTON, Chair

State Capitol, February 5, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Frank Kaplan, Member, California Law Revision Commission (5-0)

Desiree Kellogg, Member, California Law Revision Commission (5-0)

Edmund L. Regalia, Member, California Law Revision Commission (5-0)

William R. Weinberger, Member, California Law Revision Commission  
(5-0)

Alfred R. Angele, Member, Board of Prison Terms (3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 123:** By Senator Escutia—An act relating to school facilities.

**Senate Bill 124:** By Senator Knight—An act to amend Section 44929.21 of the Education Code, relating to teachers.

**Senate Bill 125:** By Senator Chesbro (Coauthors: Assembly Members Berg and Wiggins)—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

**Senate Bill 126:** By Senator Chesbro—An act to amend Section 22825.01 of the Government Code, relating to the Rural Health Care Equity Program.

**Senate Bill 127:** By Senator Chesbro—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

**Senate Bill 128:** By Senator Bowen—An act to add Section 2899 to the Public Utilities Code, relating to telecommunications.

**Senate Bill 129:** By Senator Escutia—An act to amend Section 68502.5 of the Government Code, relating to trial courts.

**Senate Bill 130:** By Senator Chesbro—An act to amend Section 1257.7 of the Health and Safety Code, relating to hospitals.

**Senate Bill 131:** By Senator Sher—An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

**Senate Bill 132:** By Senator Battin—An act to amend Section 23550.5 of the Vehicle Code, relating to vehicles.

**Senate Bill 133:** By Senator Battin—An act to amend Sections 24185 and 24187 of the Health and Safety Code, relating to human cloning.

**Senate Bill 134:** By Senator Figueroa—An act to add Section 3259.5 to the Civil Code, relating to private works of improvement.

**Senate Bill 135:** By Senator Florez—An act to amend Section 830.2 of the Penal Code, relating to veterans.

**Senate Bill 136:** By Senator Figueroa—An act to amend Section 9855.2 of the Business and Professions Code, relating to service contracts.

**Senate Concurrent Resolution 9:** By Senators Knight, Ashburn, and Morrow (Coauthors: Assembly Members Harman and Plescia)—Relative to the Space Shuttle Columbia.

**Senate Concurrent Resolution 10:** By Senator Battin—Relative to tribal gaming.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Fletcher Shawn Pederson of Oceanside.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 6, 2003.

WALTER J. LITTLE, Minute Clerk

## CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 6, 2003

The Senate met at 9 a.m.  
Hon. Liz Figueroa, of the 10th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Machado will be excused this day on legislative business and Senator Sher will be excused this day due to illness.)*

### INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 137:** By Senator Morrow—An act to amend Sections 6377, 17053.49, and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 138:** By Senator Knight—An act to amend Section 143 of the Streets and Highways Code, relating to transportation.

**Senate Bill 139:** By Senator Brulte—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

**Senate Bill 140:** By Senator Denham—An act to amend, add, and repeal Section 48204 of the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 141:** By Senator Soto—An act to amend Sections 19531 and 19605 of the Business and Professions Code, relating to horse racing.

**Senate Bill 142:** By Senator Alpert—An act to add Section 12693.983 to the Insurance Code, relating to the Healthy Families Program.

**Senate Bill 143:** By Senator Cedillo—An act to add Section 1250.15 to the Health and Safety Code, relating to health facilities.

**Senate Bill 144:** By Senator Escutia—An act to add Section 68511.6 to the Government Code, relating to courts.

**Senate Bill 145:** By Senator Alpert—An act to amend Section 56506 of the Education Code, relating to special education.

**Senate Bill 146:** By Senator Escutia—An act to amend Section 1632 of the Civil Code, relating to contracts.

**Senate Bill 147:** By Senator Torlakson—An act to amend Section 25930 of, to add Section 25911 to, and to add Chapter 5 (commencing with Section 25960) to Part 13.5 of Division 1 of Title 1 of, the Education Code, relating to school employee benefits, and making an appropriation therefor.

**Senate Constitutional Amendment 3:** By Senators McClintock and Brulte (Coauthors: Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 2, 3, 6, 7, 8, and 10.5 of, and repealing Sections 9, 12, and 13 of, Article XIII B thereof, relating to public finance.

**Senate Constitutional Amendment 4:** By Senator Brulte—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article V thereof, relating to the Governor.

#### COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: January 8, 2003, relating to race, ethnicity and gender in contracting was received from the Department of Corrections and transmitted to the Committee on Governmental Organization.

A report dated: January 13, 2003, relating to the School Renovation, IDEA and Technology program was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 14, 2003, relating to state-mandated local program implications was received from the Department of Finance and transmitted to the Committee on Local Government.

A report dated: January 14, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Office of the Attorney General and transmitted to the Committee on Governmental Organization.

A report dated: January 15, 2003, relating to program evaluation plan and overview was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 15, 2003, relating to State of California salaries of female-dominated classifications was received from the Department of Personnel Administration and transmitted to the Committee on Governmental Organization.

A report dated: January 17, 2003, relating to the Medical Services Plan was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 17, 2003, relating to per pupil savings using year-round school programs was received from the State Allocations Board and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 21, 2003, relating to concealable firearms charges in 2001/02 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: January 21, 2003, relating to County Property Tax Assessment Surveys was received from the State Board of Equalization and transmitted to the Committee on Revenue and Taxation.

A report dated: January 22, 2003, relating to 2002 federal income tax changes was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

A report dated: January 22, 2003, relating to state school land sales in Lassen County was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

A report dated: January 23, 2003, relating to ignition interlocks and alcohol-involved crashes was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation.

A report dated: January 23, 2003, relating to fourth quarter hazardous waste fees was received from the State Board of Equalization and transmitted to the Committee on Environmental Quality.

A report dated: January 23, 2003, relating to alleged unethical, unauthorized or illegal activities was received from the Southern California Metropolitan Water District and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 23, 2003, relating to the School Employees Fund was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

A report dated: January 23, 2003, relating to special repair projects was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 24, 2003, relating to Lease-Leaseback Transactions by Public Transit Districts—Sales and Use Tax Exemption was received from the Legislative Analyst's Office and transmitted to the Committee on Revenue and Taxation.

A report dated: January 24, 2003, relating to the Innocence Protection program was received from Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 27, 2003, relating to supplemental water sources was received from the San Francisco Public Utilities Commission and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 27, 2003, relating to the mission and responsibilities of the California Postsecondary Education Commission was received from the Legislative Analyst's Office and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 28, 2003, relating to the Meningococcal Disease Prevention plan was received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

A report dated: January 28, 2003, relating to physical fitness testing was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 29, 2003, relating to operations of the Uniform Commercial Code Section of the Business Programs Division was received from the Secretary of State and transmitted to the Committee on Business and Professions.

A report dated: January 29, 2003, relating to school-based pupil motivation and maintenance programs was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 30, 2003, relating to 2001-02 Vocational and Technical Education Carryover Funds was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 30, 2003, relating to the California Ballistics Identification System was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: January 31, 2003, relating to California's online campaign and lobbying disclosure system was received from the Secretary of State and transmitted to the Committee on Elections and Reapportionment.

A report dated: February 1, 2003, relating to cost-effective conservation, recycling and groundwater recharge programs was received from the Southern California Metropolitan Water District and transmitted to the Committee on Agriculture and Water Resources.

A report dated: February 4, 2003, relating to financial statements with independent auditor's reports—2002 was received from the California Educational Facilities Authority and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 5, 2003, relating to realignment of mental health funding was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Machado.

The following Senator was granted leave of absence for the day due to illness: Senator Sher.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Friday, February 7, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, February 7, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Senator Dunn moved a quorum call of the Senate.  
Motion carried.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent—35.

Quorum present.

*(NOTE: Senators Machado, Morrow, Speier, and Vasconcellos will be excused this day on legislative business and Senator Kuehl will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

In honor of the Chinese New Year of the Ram, let us pray with the wisdom of the Buddha:

May all beings have happiness, and the causes of happiness; may all be free from sorrow and the causes of sorrow; may all never be separated from the sacred happiness which is sorrowless; and may all live in equanimity, without too much attachment and too much aversion, and live believing in the equality of all that lives.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Johnson led the Senate in the pledge of allegiance to the Flag.

**REQUEST FOR UNANIMOUS CONSENT (SCR 9)**

Senator Knight asked for, and was granted, unanimous consent that SCR 9 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 9**

**Senate Concurrent Resolution 9**—Relative to the Space Shuttle Columbia.

Resolution read third time and presented by Senator Knight.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SCR 7)**

Senator Battin asked for, and was granted, unanimous consent that SCR 7 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 7**

**Senate Concurrent Resolution 7**—Relative to Ronald Reagan Day.

Resolution read third time and presented by Senator Battin.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight,

Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**Senator Bowen Presiding**

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Judith N. Frank, Member, California Health Facilities Financing Authority

James T. Beall, Jr., Member, Seismic Safety Commission

Lucile M. Jones, Ph.D., Member, Seismic Safety Commission

Celestine W. Palmer, Member, Seismic Safety Commission

Donald R. Parker, Member, Seismic Safety Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Frank Kaplan, Member, California Law Revision Commission.

Desiree Kellogg, Member, California Law Revision Commission.

Edmund L. Regalia, Member, California Law Revision Commission.

William R. Weinberger, Member, California Law Revision Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett,

McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

### RECESS

At 9:20 a.m., the Senate recessed in order to convene in extraordinary session.

### REASSEMBLED

At 9:21 a.m., the Senate reconvened.

Hon. Debra Bowen, of the 28th District, presiding.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Machado, Morrow, Speier, and Vasconcellos.

The following Senator was granted leave of absence for the day due to illness: Senator Kuehl.

### FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:32 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

### MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 11, 2003.

Motion carried.

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
February 7, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Maeley Tom, CEO, Tom & Associates. Appointed 1/22/03. Effective 1/31/03.

Member, State Personnel Board vice Florence Susan Bos, term expired, term ending 1/15/13.

Above appointment referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Governmental Organization**

Senate Chamber, February 7, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

SCA 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 148:** By Senator Torlakson—An act to relating to local government finance.

**Senate Bill 149:** By Senator McPherson—An act to amend Section 221 of the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

**Senate Bill 150:** By Senator Brulte—An act to amend Section 13322 of the Government Code, relating to the budget.

**Senate Bill 151:** By Senator Burton—An act to amend Sections 11164, 11165, 11165.1, 11167, and 11167.5 of, and to repeal Sections 11161, 11162.5, and 11169 of, the Health and Safety Code, relating to controlled substances.

**Senate Bill 152:** By Senator Oller—An act to add Section 8606 to the Elections Code, relating to candidates.

**Senate Bill 153:** By Senator Oller—An act to amend Section 188.8 of the Streets and Highways Code, relating to highways.

**Senate Bill 154:** By Senator Oller—An act to add Section 1861.052 to the Insurance Code, relating to insurance rates.

**Senate Resolution 8:** By Senators Vincent, Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett, McPherson, Murray, Oller, Perata, Poochigian, Romero,

Soto, and Torlakson—Relative to Senate Rule 22.5 of the Standing Rules of the Senate for the 200304 Regular Session.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Albert H. Girardi of West Chester.

Senator Denham requested that when the Senate adjourns this in memory of Beatrice Bernal Hackett of Salinas and Charles Madonna Jr., Ralph Bosch, Arthur J. Wylie, Alfred Pascoe, Walter Daniel “Walt” Gamble, and Hugh David Ramsey of Modesto.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of John “Rich” Alford of El Centro and John “Jack” Liesman of National City.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of James Hastings of Long Beach.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Rev. Ronald Williams of Santa Monica.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Narciso R. Teves of Stockton.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of C.W. “Bill” Jones of Firebaugh, Rose Kandarian of Sanger and Lawrence “Larry” Bertao and Terry Douglas Fortier of Fresno.

Senators Soto and Alarcón requested that when the Senate adjourns this day it do so in memory of Louie Bravo, Sr., of La Puente.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators’ requests until 1:30 p.m., Tuesday, February 11, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, February 11, 2003

The Senate met at 1:30 p.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Florez will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord, We pray for peace in every part of the world. Let confidence and friendship prevail for the good of all humanity. Let all peoples inspire their leaders, helping them to seek peace by peaceful means, helping them and urging them to build a better world for everyone. Let those in power become tools for the good of humankind. Let those who have influence over the thoughts and actions of others contribute to create mutual understanding and let everyone work towards a universal network of love and friendship that our children and grandchildren may live in a world filled not with hate and war but with peace and harmony.—AMEN.*

(Hagen Hasselbalch, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**RECESS**

At 1:40 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 1:58 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Florez.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 1:58 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Wednesday, February 12, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Date of Hearing, February 11, 2003

Madam President: The Committee on Public Safety, to which was referred:

SB 3

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 155:** By Senator Scott—An act to amend Section 1091 of the Government Code, relating to public officers.

**Senate Bill 156:** By Senator Burton—An act to amend Section 7501 of the Family Code, relating to custody.

**Senate Bill 157:** By Senators Bowen and Alpert—An act relating to taxation.

**Senate Bill 158:** By Senator Alarcón—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

**Senate Bill 159:** By Senator Torlakson—An act to amend Section 2 of Chapter 850 of the Statutes of 2002, relating to electricity, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 160:** By Senator Alarcón—An act to add Section 3572.6 to the Government Code, relating to higher education labor relations.

**Senate Bill 161:** By Senator Knight—An act to amend Sections 2800.2 and 2800.3 of, and to add Section 2800.4 to, the Vehicle Code, relating to vehicles.

**Senate Bill 162:** By Senator Alarcón—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state government.

**Senate Bill 163:** By Senator Alarcón—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

**Senate Bill 164:** By Senator Knight—An act to amend and repeal Section 48209.16 of the Education Code, relating to pupil attendance, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 165:** By Senator Machado—An act to amend Sections 1260, 1262, and 1275 of the Business and Professions Code, relating to healing arts.

**Senate Bill 166:** By Senator Scott—An act to amend Section 366.26 of the Welfare and Institutions Code, relating to dependent children.

**SENATE COMMITTEE ROLL CALLS****Committee on Public Safety**

**SB 3**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 51**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Sher.

Failed passage

**SB 51**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 2/11/03

McPherson (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Aurelia B. Aguado of Lakewood.

Senators Ducheny and Cedillo requested that when the Senate adjourns this day it do so in memory of Virginia Muir Hirsch of Santa Cruz.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Velda Beckman of Stockton.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Paul Pietronave of Jackson.

Senators Perata, Speier, and Machado requested that when the Senate adjourns this day it do so in memory of Greg Wilhelm of Berkeley.

Senator Sher requested that when the Senate adjourns this day it do so in memory of Dr. Robert W. Jamplis of Woodside.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 12, 2003.

WALTER J. LITTLE, Minute Clerk

## CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 12, 2003

The Senate met at 9 a.m.

Hon. John L. Burton, of the 3rd District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Oller will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, February 12, 2003

The Committee on Rules has referred the following measures to committee:

**Budget and Fiscal Review**—SB 150.

**Education**—SB 124, SB 140, SB 145.

**Elections and Reapportionment**—SB 152.

**Energy, Utilities and Communications**—SB 118.

**Governmental Organization**—SB 111; SCR 10; SJR 6.

**Health and Human Services**—SB 130, SB 143.

**Insurance**—SB 154.

**Judiciary**—SB 113, SB 115, SB 116, SB 122, SB 129, SB 134, SB 139, SB 144, SB 146.

**Labor and Industrial Relations**—SB 125.

**Local Government**—SB 114.

**Public Employment and Retirement**—SB 126, SB 147.

**Public Safety**—SB 131, SB 132, SB 135.

**Revenue and Taxation**—SB 121, SB 137.

**Rules**—SB 117, SB 119, SB 123, SB 128, SB 141, SB 148, SB 153.

**Transportation**—SB 127, SB 138.

The Committee on Rules has referred the following measures to two committees:

**Business and Professions and Rules**—SB 136.

**Governmental Organization and Constitutional Amendments**—SCA 4.

**Health and Human Services and Housing and Community Development**—SB 120.

**Health and Human Services and Insurance**—SB 142.

**Health and Human Services and Judiciary**—SB 133.

**Health and Human Services and Transportation**—SB 112.

**Revenue and Taxation and Constitutional Amendments**—SCA 3.

State Capitol, February 12, 2003

Mr. President: The Senate Rules Committee has appointed Senator Escutia as a member of the Joint Committee on the Arts to fill the remaining vacancy.

At his request, the Senate Rules Committee has removed Senator Brulte from the Select Committee on Developmental Disabilities and Mental Health and the Select Committee on Economic Development.

BURTON, Chair

State Capitol, February 12, 2003

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Agnes S. Lee, Deputy Secretary, Health and Human Services Agency  
(5-0)

BURTON, Chair

Above appointment ordered placed on unfinished business file.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 167:** By Senator Escutia—An act to amend Section 8204 of the Education Code, relating to childcare.

**Senate Bill 168:** By the Committee on Energy, Utilities and Communications (Senators Bowen (Chair), Battin, Dunn, Morrow, and Sher)—An act to amend Section 445 of the Public Utilities Code, relating to energy.

**Senate Bill 169:** By Senator Karnette—An act to add Section 8920 to the Family Code, relating to adoption.

**Senate Bill 170:** By Senator Torlakson—An act to add Title 7.15 (commencing with Section 66541) to the Government Code, relating to regional infrastructure.

**Senate Bill 171:** By Senator Bowen—An act to add Section 712 to the Public Utilities Code, relating to public utilities.

**Senate Bill 172:** By Senator Ducheny—An act to amend Sections 7073, 7073.8, and 7073.9 of, and to add Section 7073.3 to, the Government Code, relating to economic development.

**Senate Bill 173:** By Senator Dunn—An act to add Section 17206.7 to the Business and Professions Code, and to add Section 391.1 to the Public Utilities Code, relating to energy.

**Senate Bill 174:** By Senator Scott (Coauthors: Assembly Members Koretz and Wiggins)—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care.

**Senate Bill 175:** By Senator Kuehl—An act to amend Sections 4022, 4067, 4170, and 4175 of the Business and Professions, relating to veterinary drugs.

**Senate Bill 176:** By Senator Johnson—An act to add Section 11752.9 to the Insurance Code, relating to workers' compensation insurance.

**Senate Bill 177:** By Senator Johnson—An act relating to school finance.

**Senate Bill 178:** By Senator Cedillo—An act to amend Section 1954.53 of the Civil Code, relating to rent control.

**Senate Bill 179:** By Senator Alarcón—An act to add Section 2810 to the Labor Code, relating to contracts for labor or services.

**Senate Bill 180:** By Senator Burton—An act to amend Section 18803 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 181:** By Senator Machado—An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

**Senate Bill 182:** By Senator Scott—An act to amend Section 8814.5 of the Family Code, relating to adoption.

**Senate Bill 183:** By Senator Sher—An act to amend Section 383.5 of the Public Utilities Code, relating to energy.

**Senate Bill 184:** By Senator Sher—An act to amend Sections 66604, 66639, 66640, and 66641.5 of, and to add Sections 66612 and 66638.5 to, the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

**Senate Bill 185:** By Senator Sher—An act to amend Section 398.5 of the Public Utilities Code, relating to electricity.

**Senate Bill 186:** By Senator Murray—An act to add Title 1.81.4 (commencing with Section 1798.110) to Part 4 of Division 3 of the Civil Code, relating to privacy.

**Senate Bill 187:** By Senator Karnette—An act to amend Sections 44325, 44326, 44328, and 44830.3 of the Education Code, relating to district interns.

**Senate Bill 188:** By Senator Cedillo—An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training.

**Senate Bill 189:** By Senator Escutia—An act relating to environmental health.

**Senate Bill 190:** By Senator Scott—An act to add Article 4.7 (commencing with Section 12089) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

**Senate Bill 191:** By Senator Alarcón—An act to amend Section 1252 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

**Senate Bill 192:** By Senator Scott—An act to amend Sections 51452, 51453, 60643, 69998, 89070.25, and 89070.30 of, and to repeal Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, the Education Code, relating to pupil assessment.

**Senate Bill 193:** By Senator Murray—An act relating to postsecondary education.

**Senate Bill 194:** By Senator Oller—An act to amend Section 21 of the Vehicle Code, relating to vehicles.

**Senate Bill 195:** By Senator Margett—An act to amend Sections 594, 594.1, and 594.2 of the Penal Code, relating to crimes.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Oller.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, February 13, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 13, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

*(NOTE: Senators Alpert and Speier will be excused this day on legislative business and Senators Brulte and Sher will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Judiciary

Senate Chamber, February 13, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, February 13, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 41

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 41**—An act to amend Section 10515 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 196:** By Senator Kuehl—An act to amend Section 13201 of the Water Code, relating to California regional water quality control boards.

**Senate Bill 197:** By Senator Burton—An act to add Section 14105.983 to the Welfare and Institutions Code, relating to health.

**Senate Bill 198:** By Senators Hollingsworth and Knight—An act to amend Section 49603 of the Education Code, relating to pupils.

**Senate Bill 199:** By Senator Murray—An act to add Section 664 to the Civil Code, relating to genetic information.

**Senate Bill 200:** By Senator Murray—An act to add Section 10233.1 Insurance Code, relating to long-term care insurance.

**Senate Bill 201:** By Senator Romero—An act to add Chapter 6.68 (commencing with Section 25271) and Chapter 6.69 (commencing with Section 25279) to Division 20 of, and to repeal and add Chapter 5 (commencing with Section 114705) and Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of, the Health and Safety Code, relating to radioactive materials.

**Senate Bill 202:** By Senator Romero—An act to add Article 9.45 (commencing with Section 25207.14) to Chapter 6.5 of Division 20 of, and to repeal Section 25143.1.5 of, the Health and Safety Code, relating to hazardous waste.

**Senate Bill 203:** By Senator Romero—An act to add and repeal Sections 17053.15 and 23615 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 204:** By Senators Perata, Alpert, Kuehl, and Romero (Coauthor: Assembly Member Harman)—An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

**Senate Bill 205:** By Senator Bowen—An act to amend Section 8592.1 of the Government Code, relating to public safety communications.

**Senate Bill 206:** By Senator Brulte—An act to amend Section 5005 of, and to add Section 5005.5 to, the Penal Code, relating to prisoners, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 207:** By Senator Ackerman—An act to amend Section 41954 of the Health and Safety Code, relating to air quality.

**Senate Bill 208:** By Senator Kuehl—An act to add Section 114716 to the Health and Safety Code, relating to radiation.

**Senate Bill 209:** By Senator Margett—An act to amend Sections 2800.1, 2800.2, and 2800.3 of the Vehicle Code, relating to vehicles.

**Senate Bill 210:** By Senator Burton—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to add Section 1300.5 to the Labor Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 211:** By Senator Dunn—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

**Senate Bill 212:** By Senator Machado—An act to amend Section 1190 of the Insurance Code, relating to investments.

**Senate Bill 213:** By Senator Battin—An act to amend Sections 2800.2 and 2800.3 of the Vehicle Code, relating to vehicles.

**Senate Bill 214:** By Senator Morrow—An act to add Sections 13389.1 and 13389.2 to the Water Code, relating to water.

**Senate Bill 215:** By Senator Alpert—An act to amend Sections 2102 and 2104 of the Welfare and Institutions Code, relating to minors.

**Senate Bill 216:** By Senator Sher—An act to amend Section 2116 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

**Senate Bill 217:** By Senator Sher—An act to amend Section 4514.3 of, and to add Sections 4566 and 4582.1 to, the Public Resources Code, relating to forest resources.

**Senate Bill 218:** By Senator Sher—An act to amend Section 2761 of the Public Resources Code, relating to surface mining.

**Senate Bill 219:** By Senator Romero—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

**Senate Bill 220:** By Senator Romero (Coauthor: Assembly Member Nakano)—An act to add Section 17.1 to the Corporations Code, relating to business organizations.

**Senate Bill 221:** By Senator Romero—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

**Senate Bill 222:** By Senator Margett—An act to amend Section 208.5 of the Welfare and Institutions Code, relating to juvenile offenders.

**Senate Bill 223:** By Senator Margett—An act to amend Section 4600.1 of the Labor Code, relating to workers' compensation.

**Senate Bill 224:** By Senator Cedillo—An act to amend Sections 17039, 19340, and 19341 of, and to add Section 17052.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 225:** By Senator Vincent—An act to add Section 3341.5 to the Civil Code, relating to civil liability.

**Senate Bill 226:** By Senator Cedillo—An act to amend Section 10002 of the Welfare and Institutions Code, relating to social services.

**Senate Bill 227:** By Senator Hollingsworth (Principal coauthor: Assembly Member Bogh)—An act to amend Section 76 of Chapter 35 of the Statutes of 2002, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 228:** By Senator Alarcón—An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

**Senate Bill 229:** By Senator Alarcón—An act to amend Section 3202 of the Labor Code, relating to workers' compensation.

**Senate Bill 230:** By Senator Morrow—An act to add Section 6358.65 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alpert and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Sher.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Len Ullrich, Gwen Ferguson and Wanda LeQuire of Fullerton.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Ruby Wicker of San Bernardino County.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Friday, February 14, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, February 14, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—34.

Quorum present.

*(NOTE: Senators Ackerman, Bowen, Chesbro, Escutia, Morrow, and Vasconcellos will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Gracious Holy One*, You invite us to the mountain top and call us into the everyday. Our lives move between being and becoming, yearning to discover the depth of our being and the totality of our potential yet to be. We are grateful for Your embracing spirit as we explore and drink deeply of the sweetness and bitterness of life. We are thankful that we are encouraged to risk gladly, to love wastefully, to act compassionately. We have learned that our lives can be rich with hope and possibility when we receive Your spirit, welcome Your revelation.

Spirit of watchful care, we seek to act out of faith in Your promise, not to resist the call to full humanity, not to look for the security of the known and so avoid the adventure and challenge of the unknown, but always to explore ways we can more fully love You and others.

Source of great love and mercy, nurture in us the vision of the poet, the questions of the child, the boldness of the prophet, the courage of a disciple that we may be faithful intercessors in our prayers and in our lives.—AMEN.

(Adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ducheny led the Senate in the pledge of allegiance to the Flag.

**Senator Alpert Presiding****CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointment before the Senate:

Agnes S. Lee, Deputy Secretary, Health and Human Services Agency.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**RECESS**

At 8:57 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 8:58 a.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)****Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointment before the Senate:

Theodore N. Hariton, M.D., Member, California Health Facilities Financing Authority.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointment before the Senate:

Alfred R. Angele, Member, Board of Prison Terms.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Bowen, Chesbro, Escutia, Morrow, and Vasconcellos.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:10 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 18, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 14, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 9

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, February 14, 2003

Madam President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Mr. Christopher Mears of Irvine as a member of the State Athletic Commission to serve for a term ending June 1, 2006.

Appointed Ms. Jane Lefferkdink of Pacifica as a member of the Child Abuse and Neglect Reporting Act Task Force to serve at the pleasure of the Rules Committee.

Reappointed Senator Bowen as a member of the Standing Committee to the Judicial Council on Court Technology to serve for a term ending December 7, 2004.

Appointed Senators Alarcón and Burton as members of the California Cultural and Historical Endowment to serve at the pleasure of the Rules Committee.

Appointed Senator Soto as a member of the Mexican-American Veterans Memorial Beautification & Enhancement Commission to serve at the pleasure of the Rules Committee.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 231:** By Senator Murray—An act to amend Section 124996 of, and to add Section 124982 to, the Health and Safety Code, relating to hereditary disorders, and making an appropriation therefor.

**Senate Bill 232:** By Senator Karnette—An act to amend Sections 111 and 38506 of the Vehicle Code, relating to vehicles.

**Senate Bill 233:** By Senator Hollingsworth—An act to amend Section 6530 of the Penal Code, relating to animals.

**Senate Bill 234:** By Senator Oller—An act to add Section 21655.11 to the Vehicle Code, relating to vehicles.

**Senate Bill 235:** By Senator Cedillo—An act to amend Section 5780.1 of the Public Resources Code, relating to recreation and parks.

**Senate Bill 236:** By Senator Alpert (Coauthor: Assembly Member Harman)—An act to add Section 8841 of the Fish and Game Code, relating to fishing, and making an appropriation therefor.

**Senate Bill 237:** By Senator Florez—An act to amend Sections 4453.5 and 5753 of the Vehicle Code, relating to vehicles.

**Senate Bill 238:** By Senator Florez—An act to amend Section 15363.6 of the Government Code, relating to trade and commerce.

**Senate Bill 239:** By Senator Morrow—An act to add Section 216 to the Family Code, relating to family law.

**Senate Bill 240:** By Senator McPherson—An act to amend Section 3112 of the Elections Code, relating to voting.

**Senate Bill 241:** By Senator Knight—An act to amend Sections 51452, 51453, 60643, 69998, 89070.25, and 89070.30 of, and to repeal Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, the Education Code, relating to pupil assessment.

**Senate Bill 242:** By Senator Knight—An act to amend Section 81130.3 of, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, the Education Code, relating to community colleges.

**Senate Bill 243:** By Senator Knight—An act relating to community colleges.

**Senate Bill 244:** By Senator Speier—An act to add Section 1255.4 to the Health and Safety Code, relating to health facilities.

**Senate Bill 245:** By Senator Sher—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

**Senate Bill 246:** By Senator Escutia—An act relating to courts.

**Senate Bill 247:** By Senator Murray—An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

**Senate Bill 248:** By Senator Murray—An act to amend Section 3000 of the Vehicle Code, relating to vehicles.

**Senate Constitutional Amendment 5:** By Senators Speier, Kuehl, Machado, Soto, and Vasconcellos (Principal coauthor: Assembly Member Leno) (Coauthors: Assembly Members Hancock, Kehoe, Koretz, Lowenthal, Nation, and Yee)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (g) of Section 2 of Article XIII A thereof, relating to taxation.

#### REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Evelyn McKain of San Diego.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Jessie Janice Paul of Alameda.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Fred Plotkin of Los Angeles.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Dr. Harry Sandberg of Linden.

Senators Machado, Bowen, Figueroa, Hollingsworth, and Speier requested that when the Senate adjourns this day it do so in memory of Loyola Stortie.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Maria and Victor Viscara of Covina.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Marta Candelaria Bustamante of Sacramento.

#### ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Tuesday, February 18, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, February 18, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 14, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 18

ACR 25

E. DOTSON WILSON, Chief Clerk of the Assembly

### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 18**—Relative to Spay Day USA 2003.

**Assembly Concurrent Resolution 25**—Relative to National Engineers Week.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, February 18, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SJR 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Joint Resolution 1**—Relative to the Armenian Genocide.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, February 18, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 66

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 66**—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 50060.5, 53316.2, 55863, 61601.27, 61601.28, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 38301 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, and to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of the Public Resources Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, February 18, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 9

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 9**—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to government reorganization, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 249:** By Senator Knight—An act relating to vehicles.

**Senate Bill 250:** By Senator Battin—An act to amend Sections 11165.7 and 11166 of the Penal Code, relating to mandated reporters.

**Senate Bill 251:** By Senator Machado—An act to add Section 9000 to the Public Resources Code, relating to land conservation assistance center.

**Senate Bill 252:** By Senator Alpert—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

**Senate Bill 253:** By Senator Cedillo—An act to amend Sections 3540.1, 3543.4, 3544.1, and 3544.7 of, and to add Section 3543.10 to, the Government Code, relating to public school employees.

**Senate Bill 254:** By Senator Dunn—An act to amend Sections 613 and 614 of the Code of Civil Procedure, and to amend Section 69922 of the Government Code, relating to trial courts.

**Senate Bill 255:** By Senator Ducheny—An act to add Section 12077.5 to the Penal Code, relating to firearms.

**Senate Bill 256:** By Senator Escutia—An act to amend Sections 70311 and 70323 of the Government Code, relating to court facilities.

**Senate Bill 257:** By Senator Alpert—An act relating to pupil testing.

**Senate Bill 258:** By Senator McPherson—An act to add Chapter 5.6 (commencing with Section 51930) of Part 28 of the Education Code, relating to public schools.

**Senate Bill 259:** By Senator Romero—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 260:** By Senator Romero—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

**Senate Bill 261:** By Senator Speier—An act to amend Section 1375.4 of, and to add Sections 1375.9, 1375.10, 1375.11, and 1375.12 to, the Health and Safety Code, relating to health care service plans.

**Senate Bill 262:** By Senator Kuehl—An act to amend Section 4458 of the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards.

**Senate Bill 263:** By Senators Knight and Oller—An act to amend Section 44230 of the Education Code, relating to teachers.

**Senate Bill 264:** By Senator Denham—An act to amend Section 4456 of the Labor Code, relating to workers' compensation.

**Senate Bill 265:** By Senator Kuehl—An act to amend Section 3044 of the Family Code, relating to child custody.

**Senate Bill 266:** By Senator Knight—An act to amend Section 49073.5 of the Education Code, relating to pupil records.

**Senate Bill 267:** By Senator Knight—An act to add Division 26 (commencing with Section 26000) to the Welfare and Institutions Code, relating to abstinence education.

**Senate Bill 268:** By Senator Soto—An act to amend Sections 20776 and 21037 of the Government Code, relating to public employees' retirement.

**Senate Bill 269:** By Senator Soto—An act to amend Section 20150 of the Government Code, relating to public employees' retirement.

**Senate Bill 270:** By Senator Soto—An act to add Section 31537 to the Government Code, relating to county employees' retirement systems.

**Senate Bill 271:** By Senator Soto—An act to amend Sections 20585, 20588, and 20590 of the Government Code, relating to public employees' retirement.

**Senate Bill 272:** By Senator Soto—An act to add Section 87835 to the Education Code, relating to community college faculty.

**Senate Bill 273:** By Senator Soto—An act to amend Section 770.3 of the Insurance Code, relating to life and disability insurance.

**Senate Bill 274:** By Senator Soto—An act to add Article 11.5 (commencing with Section 31770) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 275:** By Senator Battin—An act to amend Section 11105.2 of the Penal Code, relating to criminal history information.

**Senate Bill 276:** By Senator Vasconcellos—An act to amend Sections 11100, 11100.1, 11104, 11106, 11107, and 11107.1 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 277:** By Senator Ducheny—An act relating to water.

**Senate Bill 278:** By Senator Ducheny—An act to amend Section 3041 of, and to add Section 2654 to, the Penal Code, relating to prisoners.

**Senate Bill 279:** By Senator Chesbro—An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

**Senate Bill 280:** By Senator Vasconcellos—An act relating to medical research.

**Senate Bill 281:** By Senator Oller—An act to add Section 1702 to the Fish and Game Code, relating to fish, and making an appropriation therefor.

**Senate Bill 282:** By Senator Oller—An act to add Sections 56383.9, 56668.9, 56800.9, 56815.9, 56828.9, 56880.9, 57001.9, and 57132.9 to the Government Code, relating to incorporation, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 283:** By Senator Sher—An act to amend Sections 9102, 9304, and 9309 of the Commercial Code, relating to commercial law.

**Senate Constitutional Amendment 6:** By Senator Battin—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XII thereof, relating to public utilities.

**Senate Concurrent Resolution 11:** By Senator Soto—Relative to HIV and AIDS drug treatment.

#### **REQUEST TO ADJOURN IN MEMORIAM**

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Melissa Fong of Antioch.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, February 19, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, February 19, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Murray will be excused this day on legislative business.)*

**REPORTS OF STANDING COMMITTEES**

**Committee on Judiciary**

Date of Hearing, February 18, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 1

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Education**

Date of Hearing, February 19, 2003

Mr. President: The Committee on Education, to which was referred:  
AB 38

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing, February 4, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SCA 2

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Constitutional Amendments.

MURRAY, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 284:** By Senator Brulte—An act to amend Section 296 of the Penal Code, relating to crimes.

**Senate Bill 285:** By Senator Speier—An act to amend Section 18533 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 286:** By Senator Escutia—An act to amend Section 11623 of the Insurance Code, relating to auto insurance.

**Senate Bill 287:** By Senator Sher—An act to amend Section 40000 of the Public Resources Code, relating to solid waste.

**Senate Bill 288:** By Senator Sher—An act to repeal Section 39609 of the Health and Safety Code, relating to air quality.

**Senate Bill 289:** By Senator Murray—An act to add Chapter 11.3 (commencing with Section 19875) to Part 3 of Division 13 of the Health and Safety Code, relating to solar energy.

**Senate Bill 290:** By Senator Morrow—An act to amend Section 51220 of the Education Code, relating to instruction.

**Senate Bill 291:** By Senators Florez and Hollingsworth—An act to amend Sections 626, 626.5, 627, 628, 628.1, and 629 of the Welfare and Institutions Code, relating to minors.

**Senate Bill 292:** By Senator Speier—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

**Senate Bill 293:** By Senator Brulte—An act to add Sections 66007.1 and 66007.2 to the Government Code, relating to development.

**Senate Bill 294:** By Senator Soto—An act to repeal and add Article 5 (commencing with Section 1263.410) of Chapter 9 of Title 7 of Part 3 of the Code of Civil Procedure, relating to eminent domain.

**Senate Bill 295:** By Senator Vasconcellos—An act to amend Section 11362.9 of the Health and Safety Code, relating to controlled substances.

**Senate Bill 296:** By Senator Chesbro (Principal coauthor: Assembly Member Wiggins)—An act to relating to public trust lands.

**Senate Bill 297:** By Senator Chesbro—An act to add Section 6217.2 to the Public Resources Code, relating to salmon.

**Senate Bill 298:** By Senator Dunn—An act to amend Section 3050 of the Vehicle Code, relating to vehicles.

**Senate Bill 299:** By Senator Knight—An act to add Section 3600.5 to the Penal Code, relating to inmates.

**Senate Bill 300:** By Senator Karnette—An act to add Section 2912.5 to the Penal Code, relating to foreign prisoners.

**Senate Bill 301:** By Senator Alarcón—An act to add Chapter 3.2 (commencing with Section 8251) to Division 1 of Title 2 of the Government Code, relating to the Commission on Latino/Latina Affairs.

**Senate Bill 302:** By Senator Kuehl—An act to amend Section 11135 of the Government Code, relating to discrimination.

**Senate Bill 303:** By Senator Torlakson—An act to add Section 53313.51 to the Government Code, relating to community facilities districts.

**Senate Bill 304:** By Senator Morrow—An act to amend Section 13399.39 of the Water Code, relating to water.

**Senate Bill 305:** By Senator Ducheny—An act to amend Sections 18021.7, 50530.5, and 50545 of the Health and Safety Code, relating to housing.

**Senate Bill 306:** By Senator Ducheny—An act to amend Sections 50781 and 50786 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

**Senate Bill 307:** By Senator Ackerman—An act to add Title 8.3 (commencing with Section 77800) to the Government Code, and to amend Sections 888, 914, 916, and 934 of, and to repeal Sections 904.4, 904.6, 905, 905.5, 913, 914.1, 914.5, 915, 919, 920, 921, 922, 925, 925a, 926, 927, 928, 929, 930, 931, 932, 933, 933.05, 933.06, 933.1, 933.5, and 933.6 of, the Penal Code, relating to civil grand juries.

**Senate Bill 308:** By Senator Figueroa—An act to add Section 14132.52 to the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 309:** By Senator Sher—An act to amend Section 14571.1 of the Public Resources Code, relating to beverage containers.

**Senate Bill 310:** By Senator Sher—An act to amend Section 25202 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

**Senate Bill 311:** By Senator Sher—An act to amend Section 116365 of the Health and Safety Code, relating to environmental health.

**Senate Bill 312:** By Senator Machado—An act to amend Sections 65591 and 65591.5 of, to amend the heading of Article 10.8 (commencing with Section 65591) of Division 1 of Title 7 of, and to add Section 65591.3 to, the Government Code, relating to water conservation.

**Senate Bill 313:** By Senator Murray—An act to amend Section 1651.2 of the Vehicle Code, relating to the Department of Motor Vehicles.

**Senate Bill 314:** By the Committee on Transportation (Senators Murray (Chair), Figueroa, Florez, Perata, Scott, Soto, and Torlakson)—An act to amend Section 10753.7 of the Revenue and Taxation Code, relating to vehicle license fees.

**Senate Bill 315:** By the Committee on Transportation (Senators Murray (Chair), Figueroa, Florez, Perata, Scott, Soto, and Torlakson)—An act to amend Section 10753 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 316:** By Senator McPherson—An act to amend Section 11165.7 of the Penal Code, relating to mandated reporters.

**Senate Bill 317:** By Senator Kuehl—An act to amend Section 2081.7 of the Fish and Game Code, to amend Section 1013 of the Water Code, and to amend Sections 1 and 9 of Chapter 617 of the Statutes of 2002, relating to the Salton Sea, and making an appropriation therefor.

**Senate Bill 318:** By Senator Alpert—An act to add Section 10612.5 to, and to amend Section 10631 of, the Water Code, relating to water.

**Senate Bill 319:** By Senator Ashburn—An act to amend Section 31780.1 of the Government Code, relating to county employees' retirement.

**Senate Bill 320:** By Senator Ashburn—An act to amend Section 19631 of the Government Code, relating to state civil service.

**Senate Bill 321:** By Senator Torlakson (Principal coauthors: Assembly Members Kehoe and Longville)—An act to add Division 3 (commencing with Section 64500) to Title 6.7 of the Government Code, relating to infrastructure investment.

**Senate Bill 322:** By Senator Ortiz—An act to add Section 125118 to the Health and Safety Code, relating to medical research.

**Senate Bill 323:** By Senator Soto—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 324:** By Senator Florez—An act relating to local government finance.

**Senate Bill 325:** By Senator Florez—An act to amend Section 76000 of the Government Code, relating to penalty assessments.

**Senate Bill 326:** By Senator Florez—An act to amend Section 1280 of the Health and Safety Code, relating to health facilities.

**Senate Bill 327:** By Senator Battin—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

**Senate Bill 328:** By the Committee on Judiciary (Senators Escutia (Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)—An act to amend Sections 70303, 70366, 70367, and 70374 of the Government Code, relating to court facilities.

**Senate Bill 329:** By Senator Soto—An act to amend Section 8880.22 of the Government Code, relating to the California State Lottery.

**Senate Bill 330:** By Senator Morrow—An act to amend Section 17073.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 331:** By Senator Romero—An act relating to toxic injuries.

**Senate Bill 332:** By Senator Romero—An act to amend Section 52616.16 of the Education Code, relating to adult education.

**Senate Bill 333:** By Senator Romero—An act to amend Section 11580.2 of the Insurance Code, relating to automobile insurance.

**Senate Bill 334:** By Senator Romero—An act to amend Sections 605 and 706 of, and to repeal Section 705 of, the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water.

**Senate Bill 335:** By Senator Romero—An act to add Title 6 (commencing with Section 40000) to the Corporations Code, relating to corporations.

**Senate Bill 336:** By Senator Romero—An act to add Section 66054 to the Education Code, relating to postsecondary education.

**Senate Bill 337:** By Senator Romero—An act to amend Section 803 of the Penal Code, relating to limitations of time.

**Senate Bill 338:** By Senator Scott—An act to amend Section 76001 of the Education Code, relating to education finance.

**Senate Bill 339:** By Senator Alpert (Principal coauthor: Assembly Member Corbett)—An act to add Chapter 9 (commencing with Section 5610) to Part 5 of Division 9 of the Family Code, relating to child support.

**Senate Bill 340:** By Senator Florez—An act to amend Sections 11834.01, 11834.02, 11834.09, 11834.10, 11834.15, 11834.17, 11834.18, 11834.20, 11834.21, 11834.22, 11834.23, 11834.24, 11834.25, 11834.26, 11834.29, 11834.30, 11834.31, 11834.32, 11834.36, and 11834.50 of, and to add Sections 11834.04, 11834.11, and 11834.265 to, the Health and Safety Code, relating to substance abuse.

**Senate Bill 341:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to amend Sections 25210.4a, 53961, and 56036 of the Government Code, and to add Part 4 (commencing with Section 9000) to Division 8 of, and to repeal Part 4 (commencing with Section 8890) of Division 8 of, the Health and Safety Code, relating to cemeteries.

**Senate Bill 342:** By Senator Florez—An act to amend Section 17538.4 of, and to add Section 17538.43 to, the Business and Professions Code, relating to advertising.

**Senate Bill 343:** By Senator Florez—An act to add Section 15657.01 to the Welfare and Institutions Code, relating to elder abuse.

**Senate Bill 344:** By Senators Speier and Florez—An act to amend Sections 12340.2, 12360, 12640.02, 12640.07, and 12640.10, relating to mortgage insurance.

**Senate Bill 345:** By Senator Kuehl—An act to amend Sections 1954.52 and 1954.53 of the Civil Code, to amend Sections 1161.2 and 1166 of, and to add Section 1178.5 to, the Code of Civil Procedure, and to amend Section 34332 of the Health and Safety Code, relating to tenancy.

**Senate Bill 346:** By Senator Scott—An act to amend Section 72425 of the Education Code, relating to community colleges.

**Senate Bill 347:** By Senator Perata—An act relating to sentencing.

**Senate Bill 348:** By Senators Karnette and Perata (Coauthor: Assembly Member Levine)—An act to amend Section 12302 of the Elections Code, relating to elections.

**Senate Bill 349:** By Senator Vincent—An act relating to highways.

**Senate Bill 350:** By Senator Morrow—An act to add Section 12839 to the Food and Agricultural Code, relating to pesticides, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 351:** By Senator Ducheny—An act to add Section 8589.75 to the Government Code, relating to emergency services.

**Senate Bill 352:** By Senator Escutia—An act to amend Sections 17074.27, 17074.30, 17213, and 17528 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

**Senate Bill 353:** By Senator Ducheny—An act to amend Section 51335 of the Health and Safety Code, relating to housing.

**Senate Bill 354:** By Senator Speier—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, relating to workers' compensation insurance.

**Senate Bill 355:** By Senator Florez—An act to amend Section 51225.3 of the Education Code, relating to curriculum.

**Senate Bill 356:** By Senator Alpert—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

**Senate Bill 357:** By Senator Perata—An act to amend Section 12071 of the Penal Code, relating to firearms.

**Senate Bill 358:** By Senator Figueroa—An act to amend Sections 2701, 2708, 2841, 2847, 4501, and 4503 of the Business and Professions Code, relating to healing arts.

**Senate Bill 359:** By Senator Figueroa—An act to amend Section 473.3 of the Business and Professions Code, relating to the Joint Legislative Sunset Review Committee.

**Senate Bill 360:** By Senator Figueroa—An act to amend Section 7303 of the Business and Professions Code, relating to barbering and cosmetology.

**Senate Bill 361:** By Senator Figueroa—An act to amend Sections 4001 and 4003 of the Business and Professions Code, relating to pharmacy.

**Senate Bill 362:** By Senator Figueroa—An act to amend Sections 1616.5 and 1742 of, and to amend and repeal Section 1601.1 of, the Business and Professions Code, relating to dental professionals.

**Senate Bill 363:** By Senator Figueroa—An act to amend Section 5810 of the Business and Professions Code, relating to interior designers.

**Senate Bill 364:** By Senator Figueroa—An act to amend Sections 144, 3010.1, and 3014.6 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 365:** By Senators Johnson, Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian—An act to amend Section 3600 of the Labor Code, relating to workers' compensation.

**Senate Bill 366:** By Senators Johnson, Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian—An act to amend Section 3208.3 of the Labor Code, relating to workers' compensation.

**Senate Bill 367:** By Senator Sher—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

**Senate Bill 368:** By Senator Knight—An act relating to veterans.

**Senate Bill 369:** By Senator Knight—An act to amend Section 1010 of, and to add Section 1010.5 to, the Military and Veterans Code, relating to veterans.

**Senate Bill 370:** By Senator Soto—An act to add Section 14133.45 to the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 371:** By Senators Hollingsworth and Knight—An act to amend Section 68075 of the Education Code, relating to public postsecondary education.

**Senate Bill 372:** By Senator Margett—An act to amend Section 5008 of the Welfare and Institutions Code, relating to mental health.

**Senate Bill 373:** By Senator Margett—An act to add Section 52057.5 to the Education Code, relating to school accountability.

**Senate Bill 374:** By Senator Margett (Coauthor: Assembly Member Nation)—An act to add Chapter 2.6 (commencing with Section 17360) to Division 6 of the Financial Code, relating to escrow agents.

**Senate Bill 375:** By Senator Margett—An act to amend Section 3501 of the Labor Code, relating to workers' compensation.

**Senate Bill 376:** By Senator Chesbro—An act to amend Section 2401 of the Business and Professions Code, relating to healing arts.

**Senate Bill 377:** By Senator Chesbro—An act to add Section 124586 to the Health and Safety Code, relating to Indian health.

**Senate Bill 378:** By Senator Morrow—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

**Senate Bill 379:** By Senator Ortiz—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

**Senate Bill 380:** By Senators McClintock and Murray—An act to add Section 162.3 to the Streets and Highways Code, and to add Section 21655.10 to the Vehicle Code, relating to highways.

**Senate Bill 381:** By Senator Oller—An act to amend Section 727 of, and to add Section 727.15 to, the Welfare and Institutions Code, relating to minors.

**Senate Bill 382:** By Senator Oller—An act to amend Section 1520.5 of, and to add Section 1520.10 to, the Health and Safety Code, relating to community care facilities.

**Senate Bill 383:** By Senator Alarcón—An act to add Section 66204.5 to the Education Code, relating to postsecondary education.

**Senate Bill 384:** By Senator Soto—An act to add Section 33126.3 to the Education Code, relating to schools.

**Senate Bill 385:** By Senator Morrow—An act to amend Section 987.88 of the Military and Veterans Code, relating to veterans.

**Senate Constitutional Amendment 7:** By Senator Murray—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIX thereof, and by amending Section 1 of Article XIXA thereof, relating to transportation.

## SENATE COMMITTEE ROLL CALLS

### Committee on Education

**AB 38**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 2/19/03

Vasconcellos (Chair)

### Committee on Judiciary

**SB 1**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 2/18/03

Escutia (Chair)

### Committee on Transportation

**SCA 2**—Do pass as amended and re-refer to Committee on Constitutional Amendments.

AYES (8)—Senators Figueroa, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

Date of Hearing: 2/4/03

Murray (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Murray.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Betty Bullock of Newport Beach.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 8:30 a.m., Thursday, February 20, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, February 20, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Senator Vasconcellos moved a quorum call of the Senate.  
Motion carried.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**

**ROLL CALL**

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senators Alarcón, Machado, and Murray will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Let us, this morning, meditate on the heart of the Hippocratic Oath: Wherever we happen to find ourselves in life, may our first obligation be to heal.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Constitutional Amendment 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to local development.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Constitutional Amendments.

**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Concurrent Resolution 9**—Relative to the Space Shuttle Columbia.

Resolution presented by Senator Knight.

The question being: Shall the Senate concur in the Assembly amendments to SCR 9?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

**AYES (35)**—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

**NOES (0)**—None.

Above resolution ordered enrolled.

**UNANIMOUS CONSENT TO PRINT IN JOURNAL**

**From Seven to Heaven**

1, 2, 3, 4, 5, 6, 7

All those people went to heaven  
All those souls that our nation loves  
Descended in ashes from above  
All the flags are at half-staff  
Some cry some weep and some dreadfully gasp  
This took our nation by surprise  
And yet, we stick together side-by-side  
The under tiles glow  
As we watch in fear from below  
Columbia never spoke those words  
Those words that would never be heard  
And as we stand here today  
For those we pray

We mourn the loss of those on the Columbia and salute their bravery.  
For those who lost loved ones we will keep you in our prayers.  
God Bless everyone.

By Sally Parker Soto

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN  
30 CALENDAR DAYS**

The following request was presented by Senator Alpert:

Senate Chamber, February 20, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 94** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR ALPERT

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE  
CONSTITUTION AND SUSPEND JOINT RULE 55**

*Resolved,* That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Johnson.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

**AYES (36)**—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Machado, and Murray.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 9:05 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, February 24, 2003.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 386:** By Senator Knight—An act to amend Section 65302 of the Government Code, relating to planning.

**Senate Bill 387:** By Senator Scott—An act to amend Section 70900 of the Education Code, relating to community colleges.

**Senate Bill 388:** By Senator Scott—An act to amend Section 33000 of the Education Code, relating to the State Board of Education.

**Senate Bill 389:** By Senator Romero—An act relating to taxation.

**Senate Bill 390:** By Senator Romero—An act to amend Section 50.5 of the Labor Code, relating to employment.

**Senate Bill 391:** By Senator Escutia—An act to add Section 37200.5 to the Government Code, relating to cities.

**Senate Bill 392:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to amend Sections 10122, 10123, 10301, 10353, and 10366 of, to add Part 4 (commencing with Section 8590) to Division 10 of,

and to repeal Sections 10310 and 10311 of, the Streets and Highways Code, relating to local agency assessments.

**Senate Bill 393:** By Senator Aanestad—An act to add Article 7.6 (commencing with Section 4128) to Chapter 9 of Division 2 of the Business and Professions Code, relating to pharmacists.

**Senate Bill 394:** By Senators Knight, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Morrow, Oller, and Vincent (Coauthors: Assembly Members Bates, Benoit, Bogh, Cox, Daucher, Haynes, La Suer, Maze, Mountjoy, Pacheco, Runner, and Wyland)—An act to amend Section 52720 of the Education Code, relating to patriotic exercises.

**Senate Bill 395:** By Senator Florez—An act to add Section 13042 to the Financial Code, relating to automated teller machines.

**Senate Bill 396:** By Senator Florez—An act to amend Section 2893 of the Public Utilities Code, relating to telecommunications.

**Senate Bill 397:** By Senator Dunn—An act amend Section 23 of the Insurance Code, relating to insurance.

**Senate Bill 398:** By Senator Romero—An act to add Part 11.5 (commencing with Section 2693.1) to Division 2 of the Labor Code, relating to employment.

**Senate Bill 399:** By Senator Kuehl—An act to amend Sections 6401 and 6402 of the Family Code, relating to foreign protection orders.

**Senate Bill 400:** By Senator Florez—An act to amend Sections 6006, 6011, 6012, 6014, 6051, 6051.2, 6051.3, 6066, 6071, and 6072 of, and to add Sections 6015.5 and 6019.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 401:** By Senator Florez—An act to amend Section 9410 of the Government Code, relating to legislative committee hearings.

**Senate Bill 402:** By Senator Florez—An act to add Chapter 3.61 (commencing with Section 7290.1) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 403:** By Senator Florez—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

**Senate Bill 404:** By Senator Florez—An act to add Section 5058.7 to the Penal Code, relating to the state correctional system.

**Senate Bill 405:** By Senator Florez—An act to amend Section 14030.2 of the Corporations Code, relating to small business.

**Senate Bill 406:** By Senator Florez—An act relating to highways.

**Senate Bill 407:** By Senator Torlakson—An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government.

**Senate Bill 408:** By Senator Torlakson—An act to amend Section 11837 of the Health and Safety Code, and to amend Sections 1803, 13352, 13352.5, 13353, 13353.3, 13353.5, 13353.7, 13353.8, 13557, 13954, 14601.2, 23109, 23109.5, 23521, 23536, 23538, 23542, 23548, 23552, 23556, 23562, 23568, 23612, 23660, and 23665 of, and to repeal and add Sections 13352.4, 13354, and 13380 of, the Vehicle Code, relating to vehicles.

**Senate Bill 409:** By Senator Hollingsworth—An act to amend Sections 17070.75 of, and to add Section 33129.5 to, the Education Code, relating to school finance, and making an appropriation therefor.

**Senate Bill 410:** By Senator Aanestad—An act to amend Section 97.31 of the Revenue and Taxation Code, relating to local government finance.

**Senate Bill 411:** By Senator Ducheny—An act relating to water, and making an appropriation therefor.

**Senate Bill 412:** By Senator Sher—An act to amend Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, relating to fish and game.

**Senate Bill 413:** By Senator Speier—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

**Senate Bill 414:** By Senators McClintock and Poochigian (Coauthors: Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Johnson, Knight, Margett, McPherson, and Oller)—An act to amend Section 3208 of the Labor Code, relating to workers' compensation.

**Senate Bill 415:** By Senator Kuehl—An act to add Article 1.8 (commencing with Section 1103.20) to Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, relating to real property.

**Senate Bill 416:** By Senator Alpert—An act to amend Section 13352.5 of the Vehicle Code, relating to vehicles.

**Senate Bill 417:** By Senator Hollingsworth—An act to add Section 17140.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 418:** By Senators Sher and Scott—An act to repeal Section 2100 of the Fish and Game Code, relating to candidate, threatened, and endangered species.

**Senate Bill 419:** By Senator Scott—An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

**Senate Bill 420:** By Senator Vasconcellos (Principal coauthor: Assembly Member Leno)—An act to add Article 2.5 (commencing with

Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

**Senate Bill 421:** By Senator Florez—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Senate Bill 422:** By Senators Florez and Hollingsworth—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

**Senate Bill 423:** By Senator Florez—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Senate Bill 424:** By Senator Florez—An act to add Section 290.155 to the Penal Code, relating to sex offenders.

**Senate Bill 425:** By Senator Poochigian—An act to amend Section 530.5 of the Penal Code, relating to identity theft. É

**Senate Bill 426:** By Senator Poochigian—An act relating to taxation.

**Senate Bill 427:** By Senator Dunn—An act relating to the Department of Transportation.

**Senate Bill 428:** By Senator Perata—An act relating to adult day health care.

**Senate Bill 429:** By Senator Morrow—An act to add Section 854.5 to the Public Utilities Code, relating to public utilities.

**Senate Bill 430:** By Senators Johnson, Ackerman, Alpert, Brulte, Knight, Margett, McClintock, Oller, Poochigian, Speier, Vasconcellos, and Vincent (Coauthors: Assembly Members Bates, Campbell, Haynes, and Pacheco)—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

**Senate Bill 431:** By Senator Ortiz—An act to amend Section 100150 of the Health and Safety Code, relating to health.

**Senate Bill 432:** By Senator Ortiz—An act relating to preschool.

**Senate Bill 433:** By Senator Ortiz—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, relating to tobacco.

**Senate Bill 434:** By Senator Escutia—An act to amend Sections 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of the Government Code, relating to investigations.

**Senate Bill 435:** By Senator Knight—An act to amend Sections 12050 and 12807 of the Penal Code, relating to concealed firearms.

**Senate Bill 436:** By Senator Soto—An act to amend Sections 22792 and 22850 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

**Senate Bill 437:** By Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 438:** By the Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 439:** By the Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 440:** By the Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 441:** By the Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 442:** By Senator Vincent—An act to amend Section 841 of the Welfare and Institutions Code, relating to home supervision of juveniles.

**Senate Bill 443:** By Senator Figueroa—An act to amend Section 7028 of the Business and Professions Code relating to contractors.

**Senate Bill 444:** By Senator Vasconcellos—An act relating to air quality.

**Senate Bill 445:** By Senator Kuehl—An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

**Senate Bill 446:** By Senator Machado—An act to amend Section 65040.5 of the Government Code, relating to general plans.

**Senate Bill 447:** By Senator Hollingsworth—An act to add Section 5097.992 to the Public Resources Code, relating to Native American sacred sites.

**Senate Bill 448:** By Senator Poochigian—An act to add Section 19584 to the Revenue and Taxation Code, relating to voter registration.

**Senate Bill 449:** By Senator Escutia—An act to amend Section 6256 of the Family Code, relating to emergency protective orders.

**Senate Bill 450:** By Senator Poochigian—An act to amend Section 207 of the Penal Code, relating to kidnapping.

**Senate Bill 451:** By Senator Ducheny—An act to add Section 107.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 452:** By Senator Poochigian—An act to amend Sections 89260 and 89260.5 of the Education Code, relating to the California State University.

**Senate Bill 453:** By Senator Kuehl—An act to amend Section 5002.4 of the Public Resources Code, relating to the state park system.

**Senate Bill 454:** By Senator Vasconcellos—An act to amend Sections 6377, 17053.49, and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 455:** By Senator Torlakson—An act to amend Sections 1695.7 and 1695.8 of the Civil Code, relating to home equity sales contracts.

**Senate Bill 456:** By Senator Ortiz—An act to amend Section 14825 of the Government Code, relating to the California State Contracts Register.

**Senate Bill 457:** By Senator McPherson—An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers' compensation.

**Senate Bill 458:** By Senator Burton—An act to amend Section 945.5 of the Civil Code, relating to construction defects.

**Senate Bill 459:** By Senator Burton—An act to amend Sections 731, 779, 780, 1000.7, 1009, 1177, 1178, 1179, 1703, 1712, 1714, 1732.8, 1737, 1737.1, 1752.82, 1754, 1757, 1760, 1765, 1766, 1766.1, 1767.1, 1767.3, 1767.4, 1767.5, 1768.10, 1772, 1778, 1780, 1781, 1800, 1802, and 1830 of, to add Section 1731.8 to, to repeal Section 1176 of, and to repeal Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, the Welfare and Institutions Code, relating to juvenile offenders, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 460:** By Senator Alpert—An act to add Section 53030 to the Education Code, relating to school finance.

**Senate Bill 461:** By Senator Burton—An act to add Section 22825.16 to, and to repeal and add Section 22790.5 of, the Government Code, relating to state retirees.

**Senate Bill 462:** By Senator Dunn—An act to amend Sections 832.5, 832.7 and 832.8 of the Penal Code, relating to peace officers.

**Senate Bill 463:** By Senator Hollingsworth—An act to amend Section 12301.6 of the Welfare and Institutions Code, relating to in-home supportive services.

**Senate Bill 464:** By Senator Murray—An act to amend Section 2662 of the Probate Code, and to amend Sections 361 and 726 of the Welfare and Institutions Code, relating to minors.

**Senate Bill 465:** By Senator Soto—An act to amend Sections 65460.1, 65460.2, and 65460.4 of, and to add Section 65040.9 to, the Government Code, and to amend Section 33030 of, and to add Chapter 4.7 (commencing with Section 33499) to Part 1 of Division 24 of, the Health and Safety Code, relating to transit village plans.

**Senate Bill 466:** By Senator Escutia—An act to add Section 664.8 to the Code of Civil Procedure, relating to entry of judgment.

**Senate Bill 467:** By Senator Johnson—An act to amend Section 85316 of the Government Code, relating to the Political Reform Act of 1974.

**Senate Bill 468:** By Senator Perata—An act to add and repeal Article 2 (commencing with Section 79130) of Chapter 9 of Part 48 of the Education Code, relating to community colleges.

**Senate Bill 469:** By Senator Scott—An act to amend Section 60242 of the Education Code, relating to instructional materials.

**Senate Bill 470:** By Senator Karnette—An act to repeal Chapter 868 of the Statutes of 1998, relating to school district reorganization.

**Senate Bill 471:** By Senator Vasconcellos—An act to amend Sections 60601 and 60602 of the Education Code, relating to pupil testing.

**Senate Bill 472:** By Senator Florez—An act to amend Section 49427 of, and to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of, the Education Code, relating to school health, and making an appropriation therefor.

**Senate Bill 473:** By Senator Florez—An act to amend Section 49427 of the Education Code, relating to public schools, and making an appropriation therefor.

**Senate Bill 474:** By Senator Florez—An act to amend Section 1596.871 of the Health and Safety Code, relating to care facilities.

**Senate Bill 475:** By Senator Florez—An act to amend Sections 115880 and 115885 of, and to add Article 1.5 (commencing with Section 115860) to Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code, relating to environmental health.

**Senate Bill 476:** By Senator Florez—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of, and to add Section 1797.98h to, the Health and Safety Code, relating to health.

**Senate Bill 477:** By Senator Florez—An act to add Section 50517.12 to the Health and Safety Code, relating to housing.

**Senate Bill 478:** By Senator Dunn—An act to add Section 230.2 to the Labor Code, relating to employment.

**Senate Bill 479:** By Senator Machado—An act to amend Section 1736 of the Water Code, relating to water.

**Senate Bill 480:** By Senator Kuehl—An act to amend Section 40422 of the Health and Safety Code, relating to air resources.

**Senate Bill 481:** By Senator McPherson—An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

**Senate Bill 482:** By Senator Dunn—An act to amend Section 1054 of the Code of Civil Procedure, relating to civil procedure.

**Senate Bill 483:** By Senator Aanestad—An act relating to state agencies.

**Senate Bill 484:** By Senator Morrow—An act to amend Section 68075 of the Education Code, relating to public postsecondary education.

**Senate Bill 485:** By Senator Poochigian—An act to add Section 2023 to the Business and Professions Code, relating to medicine.

**Senate Bill 486:** By Senator Machado—An act to amend Section 224 of the Food and Agricultural Code, relating to agriculture.

**Senate Bill 487:** By Senator Torlakson—An act to amend Section 56857 of the Government Code, relating to local agency reorganization.

**Senate Bill 488:** By Senator Speier—An act to add Section 17322 to the Family Code, relating to social services.

**Senate Bill 489:** By Senator Escutia—An act to add Section 1310 to the Welfare and Institutions Code, relating to juveniles.

**Senate Bill 490:** By Senator Alpert—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

**Senate Bill 491:** By Senator Ducheny—An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 492:** By Senator Ducheny—An act to amend and repeal Section 65585.2 of the Government Code, relating to housing.

**Senate Bill 493:** By Senator Cedillo—An act to add Section 25365.8 to the Health and Safety Code, relating to hazardous substances.

**Senate Bill 494:** By Senator Escutia—An act to amend Section 3283 of the Civil Code, relating to arbitration.

**Senate Bill 495:** By Senator Vasconcellos—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

**Senate Bill 496:** By Senator Alpert—An act to amend Section 273a of the Penal Code, and to add Chapter 8.6 (commencing with Section

13879.80) to Title 6 of Part 4 of the Penal Code, relating to drug-endangered children.

**Senate Bill 497:** By Senator Margett—An act to amend Section 17500 of the Government Code, relating to state mandates.

**Senate Bill 498:** By Senator Margett—An act to amend Section 7200 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 499:** By Senator Margett—An act to add Section 1103.5 to the Public Contract Code, relating to public contracts.

**Senate Bill 500:** By Senator Margett—An act to amend Section 11005 of the Revenue and Taxation Code, relating to vehicle license fees.

**Senate Bill 501:** By Senator Margett—An act to amend Section 33000 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 502:** By Senator Florez—An act to add and repeal Section 33531 of the Food and Agricultural Code, relating to dairy farms.

**Senate Bill 503:** By Senator Florez—An act to add Section 21167.9 to the Public Resources Code, relating to environmental quality.

**Senate Bill 504:** By Senator Kuehl—An act to add Chapter 7 (commencing with Section 132600) to Division 12.7 of the Public Utilities Code, relating to transportation.

**Senate Bill 505:** By Senator Perata (Principal coauthor: Senator Alpert)—An act to add Section 1726 to the Civil Code, relating to payments.

**Senate Bill 506:** By Senator Sher—An act to amend Section 4053 of the Business and Professions Code, relating to pharmaceuticals.

**Senate Bill 507:** By Senator Escutia—An act to amend Section 1780 of the Civil Code, relating to consumers.

**Senate Bill 508:** By Senator Escutia—An act relating to automobile sales financing.

**Senate Bill 509:** By Senator Figueroa—An act to amend Section 14528.5 of the Government Code, relating to transportation.

**Senate Bill 510:** By Senator Figueroa (Coauthor: Assembly Member Nunez)—An act relating to teachers.

**Senate Bill 511:** By Senator Figueroa—An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

**Senate Bill 512:** By Senator Figueroa—An act to amend Section 36620 of the Public Resources Code, relating to natural resources.

**Senate Bill 513:** By Senator Kuehl—An act to amend Section 2240 of the Business and Professions Code, relating to medicine.

**Senate Bill 514:** By Senator Dunn—An act to amend Section 186.22 of the Penal Code, relating to crime.

**Senate Bill 515:** By Senator Kuehl—An act to amend Section 425.16 of the Code of Civil Procedure, relating to civil actions.

**Senate Bill 516:** By Senator Speier—An act to add Section 23820 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 517:** By Senator Karnette—An act to amend Sections 42301 and 42310 of the Public Resources Code, relating to recycling.

**Senate Bill 518:** By Senator Escutia—An act relating to water, and making an appropriation therefor.

**Senate Bill 519:** By Senator Vasconcellos—An act to add Section 3063.3 to the Penal Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 520:** By Senator Sher—An act to add Section 351 to the Public Utilities Code, relating to electric power.

**Senate Bill 521:** By Senator Bowen—An act to amend Section 1802 of, and to add Section 1802.3 to, the Public Utilities Code, relating to public utilities.

**Senate Bill 522:** By Senator Soto—An act to amend Section 17980 of the Health and Safety Code, relating to housing.

**Senate Bill 523:** By Senator Escutia—An act to amend Section 912 of the Civil Code, relating to construction defects.

**Senate Bill 524:** By Senator Vasconcellos—An act to amend and repeal Section 51852 of the Education Code, relating to instruction.

**Senate Bill 525:** By Senator Karnette—An act relating to education funding.

**Senate Bill 526:** By Senators Torlakson, Dunn, and Escutia—An act to amend Section 41204.1 of the Education Code, and to add Section 97.48 to the Revenue and Taxation Code, relating to local government finance.

**Senate Bill 527:** By Senator Vasconcellos—An act to add Chapter 12 (commencing with Section 15399.70) to Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development.

**Senate Bill 528:** By Senator Aanestad—An act to add Section 14079.9 to the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 529:** By Senator Morrow—An act to amend Section 20560.2 of the Water Code, relating to water.

**Senate Bill 530:** By Senator Johnson—An act to amend Section 86109.5 of the Government Code, relating to lobbying.

**Senate Bill 531:** By Senator Romero—An act to add Section 40064 to the Public Resources Code, relating to solid waste.

**Senate Bill 532:** By Senator Romero—An act to amend Section 21083 and 21100 of, and to add Sections 21001.5 and 21060.2 to, the Public Resources Code, relating to environmental quality.

**Senate Bill 533:** By Senator Romero—An act to add Sections 2288 and 12841.2 to the Food and Agricultural Code, relating to pesticides.

**Senate Bill 534:** By Senator Romero—An act to amend Section 1171.5 of the Labor Code, relating to employment.

**Senate Bill 535:** By Senator Romero—An act to amend Section 204a of the Labor Code, relating to wages.

**Senate Bill 536:** By Senator Romero—An act relating to emergency medical services.

**Senate Bill 537:** By Senator Romero—An act to add Article 10.5 (commencing with Section 8264.6) to Chapter 2 of Part 6 of the Education Code, and to add Article 9 (commencing with Section 124172) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to the California Child Care Health Linkages Program.

**Senate Bill 538:** By Senator Torlakson—An act to add Section 65863.14 to the Government Code, relating to housing.

**Senate Bill 539:** By Senator Perata—An act to amend Section 9109 of the Elections Code, relating to elections.

**Senate Bill 540:** By Senator Soto—An act to add Section 1569.682 to the Health and Safety Code, relating to residential care facilities for the elderly.

**Senate Bill 541:** By Senator Torlakson—An act to amend Sections 7360 and 7361 of, and to add Section 8651.1 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

**Senate Bill 542:** By Senator Murray (Principal coauthor: Senator Alpert)—An act to amend Sections 12090, 12091, 12092, 12093, 12094, 66010.6, 66903, 94770, and 94780 of, to amend and renumber Sections 94900, 94901, and 94905 of, to add a chapter heading immediately preceding Section 94250 of, and to repeal the heading of Article 8 (commencing with Section 94900) of Chapter 7 of Part 59 of, the Education Code, relating to postsecondary education.

**Senate Bill 543:** By Senator Machado—An act to amend Section 2100 of the Water Code, relating to water.

**Senate Bill 544:** By Senator Chesbro—An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

**Senate Bill 545:** By Senator Speier—An act to amend Section 4052 of, and to add Section 4427 to, the Business and Professions Code, relating to pharmacists.

**Senate Bill 546:** By Senator Johnson—An act to amend Section 1417.1 of the Health and Safety Code, relating to long-term health care facilities.

**Senate Bill 547:** By Senator Johnson—An act to amend Section 105 of the Insurance Code, relating to surety insurance.

**Senate Bill 548:** By Senator Perata—An act to amend Section 81008 of the Government Code, relating to the Political Reform Act of 1974.

**Senate Bill 549:** By Senator Vasconcellos—An act to amend Section 6250.5 of the Penal Code, relating to inmates.

**Senate Bill 550:** By Senator Vasconcellos—An act to amend Sections 51212 and 66010.3 of, and to add Sections 8203.4, 33144, 33145, 35013, 35276, 51225.6, 52056.6, 66010.9, 66722.7, and 66722.9 to, the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to education.

**Senate Bill 551:** By Senator Speier—An act to add Section 758.5 to the Insurance Code, relating to auto insurance.

**Senate Bill 552:** By Senator Burton—An act to amend Section 14666.6 of the Government Code, relating to state property.

**Senate Bill 553:** By Senator Florez—An act relating to water transfer.

**Senate Bill 554:** By Senator Florez—An act to amend Sections 5090.04, 5090.15, 5090.43, and 5090.50 of, and the heading of Article 2 (commencing with Section 5090.15) of Chapter 1.25 of Division 5 of, the Public Utilities Code, and to amend Section 38225 of the Vehicle Code, relating to off-road vehicles.

**Senate Bill 555:** By Senators Florez and Alpert—An act to amend Sections 11205 and 11214 of, and to repeal and add Section 11205.1 of, the Vehicle Code, relating to vehicles.

**Senate Bill 556:** By Senator Sher—An act to amend Section 52120 of the Education Code, relating to class size.

**Senate Bill 557:** By Senator Kuehl—An act to add Article 10 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest practices.

**Senate Bill 558:** By Senator Ducheny—An act to amend Section 65913.1 of the Government Code, relating to local planning.

**Senate Bill 559:** By Senator Ortiz—An act to add Article 6.2 (commencing with Section 25367.1) to Chapter 6.8 of Division 20 of the Health and Safety Code, relating to hazardous substances.

**Senate Bill 560:** By Senator Knight—An act relating to pupils.

**Senate Bill 561:** By Senator Knight—An act to amend Sections 985.3 and 1010 of, and to add Section 1010.5 to, the Military and Veterans Code, relating to veterans.

**Senate Bill 562:** By Senator Ackerman—An act to add Sections 16724.1 and 16724.2 to the Government Code, relating to bonds.

**Senate Bill 563:** By Senator Ackerman—An act relating to water resources, and making an appropriation therefor.

**Senate Bill 564:** By Senator Ackerman—An act relating to water resources, and making an appropriation therefor.

**Senate Bill 565:** By Senator Florez—An act to amend Section 52941 of the Food and Agricultural Code, relating to agriculture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 566:** By Senator Scott—An act to amend Section 7251.1 of, and to add Sections 7251.5 and 7285.6 to, the Revenue and Taxation Code, relating to taxation.

**Senate Bill 567:** By Senator Torlakson—An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

**Senate Bill 568:** By Senator Sher—An act to amend Sections 25141.2 and 57004 of the Health and Safety Code, relating to environmental protection.

**Senate Bill 569:** By Senator Alarcón—An act to amend Sections 1275 and 1327 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

**Senate Bill 570:** By Senator Chesbro—An act to add Section 12171.5 to the Government Code, and to amend Section 830.1 of the Penal Code, relating to county employees.

**Senate Bill 571:** By Senator Alarcón—An act to add Article 6 (commencing with 8780) to Chapter 4 of Part 6 of the Education Code, relating to environmental education.

**Senate Bill 572:** By Senator Ducheny—An act to amend Section 2830 of the Fish and Game Code, relating to natural community conservation planning.

**Senate Bill 573:** By Senator Alarcón—An act to add Sections 559 and 1197.2 to the Labor Code, relating to employee wages and working hours.

**Senate Bill 574:** By the Committee on Public Employment and Retirement (Soto (Chair), Karnette, and Scott)—An act to amend Section 22790 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

**Senate Bill 575:** By Senator Poochigian—An act to amend Section 33126 of the Education Code, relating to school accountability.

**Senate Bill 576:** By Senator Alarcón—An act to amend Sections 4003 and 4004 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 577:** By Senator Kuehl—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

**Senate Bill 578:** By Senator Alarcón—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

**Senate Bill 579:** By Senator Soto—An act to amend Section 20963 of the Government Code, relating to state employees' retirement.

**Senate Bill 580:** By the Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Perata, Scott, and Soto)—An act to amend, repeal, and add Section 1356 of the Health and Safety Code, relating to health care service plans, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 581:** By the Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Perata, Scott, and Soto)—An act to amend Section 1358.11 of the Health and Safety Code, and to amend Section 10192.11 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 582:** By the Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Perata, Scott, and Soto)—An act to amend Section 10089.5 of the Insurance Code, relating to the California Earthquake Authority Fund.

**Senate Bill 583:** By the Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Perata, Scott, and Soto)—An act to amend Section 1798.24 of, and to repeal Section 1798.74 of, the Civil Code, and to amend Section 6254 of the Government Code, relating to personal information.

**Senate Bill 584:** By Senator Alarcón—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

**Senate Bill 585:** By Senator Soto—An act relating to transportation.

**Senate Bill 586:** By Senator Alarcón—An act to add Section 96.8 to the Labor Code, relating to wages.

**Senate Bill 587:** By Senator Ashburn—An act to amend Sections 4019 and 4024.2 of the Penal Code, relating to work release programs.

**Senate Bill 588:** By Senator Johnson—An act to amend Sections 17070.75, 17584, and 33128 of, and to add Section 17463.5 to, the Education Code, relating to school finance.

**Senate Bill 589:** By Senator Perata—An act to amend Sections 84101, 84103, 84108, and 84203 of the Government Code, relating to the Political Reform Act of 1974.

**Senate Bill 590:** By Senator Speier—An act to add Title 1.4C (commencing with Section 1749.70) to Part 4 of Division 3 of the Civil Code, relating to personal information.

**Senate Bill 591:** By Senator Scott—An act to amend Section 366 of the Welfare and Institutions Code, relating to dependent children.

**Senate Bill 592:** By Senator Vasconcellos—An act to amend Section 60061 of the Education Code relating to public schools.

**Senate Bill 593:** By Senator Ackerman—An act to add Sections 100.51 and 721.51 to the Revenue and Taxation Code, relating to taxation.

**Senate Bill 594:** By Senator Vasconcellos—An act relating to end of life care.

**Senate Bill 595:** By Senator Johnson—An act to amend Section 401 of the Unemployment Insurance Code, relating to unemployment insurance.

**Senate Bill 596:** By Senator Torlakson—An act to amend Sections 51652 and 51657 of the Health and Safety Code, relating to housing.

**Senate Bill 597:** By Senators Soto and Sher—An act to amend Section 22791 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

**Senate Bill 598:** By Senator Machado—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

**Senate Bill 599:** By Senator Perata—An act relating to drug diversion.

**Senate Bill 600:** By the Committee on Judiciary (Senators Escutia (Chair), Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher)—An act to amend Sections 853, 855, 1766, 1971, 2154.2, 4409, 4848, 19613, and 19617.5 of, and to add a heading to Article 7.5 (commencing with Section 17582) of Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, to amend Sections 48, 941, 1102.6, 1102.6b, 1714, 1936, 1946.1,

1954, 2924j, and 2941 of the Civil Code, to amend Sections 17, 170.6, 179, 437c, 1208.5, 1420, and 1607 of the Code of Civil Procedure, to amend Sections 2117 and 25118 of the Corporations Code, to amend Sections 430, 446, 8483, 8499.5, 8813, 17073.25, 20091, 22138.5, 25103, 35401, 35534, 35738, 37220.8, 37252.1, 41329.3, 41344, 42127, 42238.46, 42238.53, 44775.4, 44775.6, 44775.7, 44775.8, 44830.3, 47605.3, 47614.5, 47632, 48927, 51122, 51226.1, 51226.3, 51700, 52053, 52056, 52071, 52073, 53082, 54201, 56021.1, 56046, 56341.5, 56383, 59008, 59104, 59205, 60246, 60900, 66025.3, 67385.3, 70010, 94140, 94154, 94771, and 99235 of the Education Code, to amend Sections 13102, 13107, and 19227 of the Elections Code, to amend Sections 3048, 3118, 8802, 9210, 9212, and 17506 of the Family Code, to amend Section 1226 of, and to amend the heading of Article 1 (commencing with Section 3100) of Chapter 17 of Division 1 of, the Financial Code, to amend Sections 1019, 2081.7, 2086, 2118, 3508, and 6954 of the Fish and Game Code, to amend Sections 9221, 12999.5, and 79008 of the Food and Agricultural Code, to amend Sections 3309.5, 3517.61, 3562, 3593, 6527, 7579.5, 8314, 8592.4, 8670.40, 10201, 10202, 10203, 10204, 10206, 11121, 12965, 14838.5, 14838.7, 14981, 19142, 19775.17, 19775.18, 19827, 19867, 19997.3, 20057, 20501, 20610, 20611, 20677, 20677.4, 20752, 20902.5, 21220, 21362.3, 21465, 22009.03, 22009.1, 22018, 22156, 22502, 22754, 22810, 22840.2, 23119, 26608.3, 30061, 30063, 31520.1, 31629.5, 31787.6, 45310.7, 53216.8, 53601.7, 53635, 57116, 68085, 68095, 68115, 68620, 69587, 69588, 70367, 70391, 70392, 71601, 71615, 71632.5, 71636, 71636.3, 73665, 73757, and 82011 of, and to amend and renumber Section 26638.5 of, the Government Code, to amend Sections 1339.63, 1368.015, 1368.02, 1797.115, 1797.196, 11571, 11581, 18943, 25249.7, 42801.1, 44299.80, 50199.74, 52075.1, 100870, 102247, 113995, 115000.1, 115928, 122137, 123418, 123464, and 125116 of, and to amend and renumber Section 121140 of, the Health and Safety Code, to amend Sections 1211 and 10235.52 of the Insurance Code, to amend Sections 98.2, 176, 230.1, 1776, and 3099.3 of the Labor Code, to amend Sections 179, 395.3, 406, and 1035.6 of, and to amend and renumber Sections 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 of, the Military and Veterans Code, to amend Sections 132.5, 171.5, 337u, 383c, 424, 5971, 808, 1089, 1203.3, 1240.1, 1463, 1524.1, 11171, 11199, 11226, 11230, 12087.5, and 13823.9 of, and to repeal Article 4.5 (commencing with Section 12087) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, to amend Sections 10524 and 20103.8 of the Public Contract Code, to amend Sections 4114.5, 4123, 5090.37, 5631, 6307.1, 21098, 25534, 30812, 31119, and 40507 of, and to amend and renumber Sections 21061.0.5 and 30950 of, the Public Resources Code, to amend Sections 334, 345, 346, 350, 360, 362, 394.25, 398.4, 5411.5, 7000, 15704, 132353.2, 132370.5, 132370.6 of, and to amend and renumber Sections 132632 and 132634 of, the Public Utilities Code, to amend Sections 96.1, 408, 426, 998, 2921.5, 7280, 7286.24, 17041, 17052.2, 17052.6, 17062, 17952.5, 18713, 18716, 18831, 19006, 20503, 20563, 23701t, 60361.5, and 60401 of, and to amend and renumber the

heading of Chapter 2.98 (commencing with Section 7286.75) of Part 1.7 of Division 2 of, + the Revenue and Taxation Code, to amend Sections 216.5, 390, and 27322 of the Streets and Highways Code, to amend Sections 411 and 15051 of the Unemployment Insurance Code, to amend Sections 5068, 9250.19, 9554, 11614.1, 11701, 11711.3, 12509, 21228, 21655.3, 23109.2, and 42011 of the Vehicle Code, to amend Sections 1013, 12949.6, 12994, 13307.1, 22762, 75480, 79420, and 79460 of, and to amend the heading of Article 1 (commencing with Section 71660) of Chapter 3 of Part 5 of Division 20 of, the Water Code, to amend Sections 225.05, 366.4, 1719, 4015, 4094, 4503, 5205, 5346, 5405, 11450, 11451.5, 11462, 14105.95, 14105.96, 14172, 15610.37, and 18969 of the Welfare and Institutions Code, and to amend Sections 12.5, 13, 13.5, 14 of Chapter 1449 of the Statutes of 1951, Section 1 of Chapter 483 of, Section 1 of Chapter 575 of, Section 1 of Chapter 583 of, Section 1 of Chapter 697 of, Section 5 of Chapter 1020 of, and Section 1 of Chapter 1060 of the Statutes of 2002, relating to maintenance of the codes.

**Senate Bill 601:** By Senator Perata—An act to amend Section 12280 of the Penal Code, relating to assault weapons.

**Senate Bill 602:** By Senator Figueroa—An act to amend Sections 1785.11, 1785.11.1, 1798.84, and 1798.93 of, to add Sections 1798.955 and 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, and to amend Section 530.8 of the Penal Code, relating to personal information.

**Senate Bill 603:** By Senator Speier—An act to add Article 11 (commencing with Section 61581) to Chapter 1 of Part 3 of Division 21 of the Food and Agricultural Code, relating to dairy products.

**Senate Bill 604:** By Senator Perata—An act to amend Section 84502 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 605:** By Senator McPherson—An act to add Section 8592.6 to the Government Code, relating to public safety.

**Senate Bill 606:** By Senator Vasconcellos—An act to amend Section 49455 of the Education Code, relating to pupil health.

**Senate Bill 607:** By Senator Aanestad—An act to amend Section 14509.4 of the Public Resources, relating to beverage container recycling.

**Senate Bill 608:** By Senator Machado—An act to amend Section 742.24 of the Insurance Code, relating to multiple employer welfare arrangements.

**Senate Bill 609:** By Senator Dunn (Principal coauthor: Assembly Member Spitzer)—An act to add Chapter 1.3 (commencing with Section 629) to Title 15 of Part 1 of the Penal Code, relating to investigative subpoenas.

**Senate Bill 610:** By Senator Escutia—An act to amend Section 12302 of, to add Sections 11.3 and 11.5 to, and to repeal and add Section 12309 of, the Elections Code, relating to elections.

**Senate Bill 611:** By Senator Ducheny—An act to amend Section 99200 of the Education Code, relating to instructional strategies.

**Senate Bill 612:** By Senator Oller—An act to add Section 21115.5 to the Vehicle Code, relating to vehicles.

**Senate Bill 613:** By Senator Perata—An act relating to federal elections funding.

**Senate Bill 614:** By Senator Cedillo—An act to amend Section 218 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 615:** By Senator Cedillo—An act to repeal Section 75.30 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 616:** By Senator Cedillo—An act to repeal Section 401.9 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 617:** By Senator Speier—An act to add Section 1640 of the Health and Safety Code, relating to tissue banks.

**Senate Bill 618:** By Senator Scott—An act to add Section 1668.1 to the Insurance Code, relating to unfair acts.

**Senate Bill 619:** By Senator Ducheny—An act to amend Sections 65008, 65400, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30500.1 of the Public Resources Code, relating to housing.

**Senate Bill 620:** By Senator Scott—An act to amend Section 789 of the Insurance Code, relating to insurance.

**Senate Bill 621:** By Senator Burton—An act to amend Section 23104.2 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 622:** By Senator Morrow—An act to amend Section 8607 of the Government Code, and to add Sections 17276.9 and 24416.9 to the Revenue and Taxation Code, relating to disasters.

**Senate Constitutional Amendment 8:** By Senator Vasconcellos—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

**Senate Constitutional Amendment 9:** By Senator Perata—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XIII B thereof, relating to appropriations limits.

**Senate Joint Resolution 7:** By Senator Karnette—Relative to highways.

**Senate Joint Resolution 8:** By Senator Battin—Relative to saltcedar (Tamarix) eradication.

**Senate Resolution 9:** By Senator Vasconcellos—Relative to nonviolence.

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 20, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 15

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 15**—Relative to Colorectal Cancer Awareness Month.

#### REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Rene Moore of Marina del Rey.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Eleanor Daley of Chicago, Ill.

Senator Figueroa requested that when the Senate adjourns this day it do so in memory of Robert E. Hannon of Walnut Creek.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Ed Eveland and Edward Davenport of Long Beach.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Felix LeMarinel of Palmdale.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Johnny Longdon of Arcadia.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Frieda Mae Handian and Wade Scribner of Fresno and Aghavnie Arabian of Columbus, OH.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Henry O'Melveny II of Pasadena and Capt. Wilfred Duncan, Pasadena Fire Department (Ret.).

Senator Soto requested that when the Senate adjourns this day it do so in memory of Alphonso Guevara of Pomona and Joan Dauksavage of Pollock Pines.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Albert Ruffo of San Jose.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, February 24, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, February 24, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Senator Battin moved a quorum call of the Senate.  
Motion carried.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

#### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Johnson will be excused this day due to illness and Senator Scott will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*God of Eternal Peace*, Let us be at peace with our own souls, then heaven and earth will be at peace with us. Let us enter eagerly into the treasure house that is within us, that we may discover all that is contained in heaven, for there is but one single entry to them both. Lord, help us to discover within our souls the hidden ladder by which to ascend to Your resplendent glory.—AMEN.

(St. Isaac of Nineveh, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ducheny led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 18, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 14

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 14**—Relative to a Day of Remembrance.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were read the first time:

*(NOTE: The following measures were introduced and transmitted to the Committee on Rules for assignment on February 21)*

**Senate Bill 623:** By Senator Ducheny—An act to amend Section 2081.7 of the Fish and Game Code, relating to endangered species.

**Senate Bill 624:** By the Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Scott)—An act to amend Section 19826 of, and to repeal Sections 19827.2, 19994.20, and 19996.40 of, the Government Code, relating to state personnel administration.

**Senate Bill 625:** By the Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Scott)—An act to amend Section 20090.1 of the Government Code, relating to the Public Employees' Retirement System.

**Senate Bill 626:** By the Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Scott)—An act to amend Sections 7005, 7008, 89529.03, and 89621 of the Education Code, to amend Sections 3517.6, 3517.61, 3572.5, 8544.2, 9322, 9359.83, 14876, 16391.1, 19849.15, 19871, 21450, 21506, 21551, 21635, 21635.5, 21661, 26296.22, 26299.036, 73642, 73952, 74342, 74742, and 75521 of, to add

Part 5 (commencing with Section 22750) to Division 5 of Title 2 of, to repeal Sections 21690, 21691, 21692 of, to repeal Part 5 (commencing with Section 22751) of Division 5 of Title 2 of, and to repeal and add Part 6 (commencing with Section 22950) of Division 5 of Title 2 of, the Government Code, to amend Section 124964 of the Health and Safety Code, to amend Section 4856 of the Labor Code, to amend Section 13600 of the Probate Code, to amend Section 35137 of the Public Resources Code, and to amend Sections 130109, 131269, and 140109 of the Public Utilities Code, relating to public employee benefits.

**Senate Bill 627:** By the Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Scott)—An act to amend Sections 22203.5, 22213, 22503, 22663, 22713, 22714, 22820, 22905, 23300, 24002, 24012, 24111, 24214, 24216.5, 24300, 24975, 25000.9, 25018.5, 25101, and 25940 of the Education Code, relating to state teachers' retirement.

**Senate Bill 628:** By Senator Vasconcellos—An act to amend Section 17071.76 of the Education Code, relating to school facilities.

**Senate Bill 629:** By Senator Soto—An act to amend Section 31720.7 of, and to add Section 53222.1 to, the Government Code, and to amend Section 3212.8 of the Labor Code, relating to health care professionals.

**Senate Bill 630:** By Senator Hollingsworth—An act to amend Section 12804.2 of the Vehicle Code, relating to vehicles.

**Senate Bill 631:** By Senator McPherson (Principal coauthor: Assembly Member Matthews)—An act to amend Section 1214 of the Penal Code, and to amend Section 781 of the Welfare and Institutions Code, relating to restitution.

**Senate Bill 632:** By Senator Aanestad—An act relating to cardiovascular disease.

**Senate Bill 633:** By Senator Ashburn—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

**Senate Bill 634:** By Senator Ducheny—An act to add Article 42.5 (commencing with Section 20676) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

**Senate Bill 635:** By Senator Dunn—An act to amend Sections 1797.98c, 1797.98e, and 1799.55 of the Health and Safety Code, relating to emergency services.

**Senate Bill 636:** By Senator Machado—An act to add Section 56509 to the Education Code, relating to special education.

**Senate Bill 637:** By Senator Knight—An act to amend Section 38025 of the Vehicle Code, relating to vehicles.

**Senate Bill 638:** By Senator Burton—An act to amend Section 1151 of the Penal Code, relating to criminal procedure.

**Senate Bill 639:** By Senator Torlakson—An act to amend Sections 65891.8 and 65891.12 of the Government Code, relating to housing.

**Senate Bill 640:** By Senator Burton—An act to add Article 11 (commencing with Section 10286) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

**Senate Bill 641:** By Senator Brulte—An act to amend Section 82041.5 of, and to add Section 84305.7 to, the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 642:** By Senator Hollingsworth—An act to amend Section 485 of the Food and Agricultural Code, relating to quarantines.

**Senate Bill 643:** By Senator Aanestad—An act to add Chapter 13 (commencing with Section 2950) to Division 3 of the Fish and Game Code, relating to habitat and conservation lands.

**Senate Bill 644:** By Senator Burton—An act to amend Sections 45330, 45344.5, and 45361.5 of the Education Code, relating to paraprofessionals.

**Senate Bill 645:** By Senator Sher—An act to amend Section 42297 of the Public Resources Code, relating to solid waste.

**Senate Bill 646:** By Senator Sher—An act to add Section 41821.4 to the Public Resources Code, relating to solid waste.

**Senate Bill 647:** By Senator Sher—An act to amend Sections 21108 and 21152 of the Public Resources Code, relating to environmental quality.

**Senate Bill 648:** By Senator Battin—An act to amend Section 1793.02 of the Civil Code, relating to assistive devices.

**Senate Bill 649:** By Senator Kuehl—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of, and to add Section 2797 to, the Public Resources Code, relating to mining.

**Senate Bill 650:** By Senator Battin—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

**Senate Bill 651:** By Senator McPherson—An act to amend Section 52335.2 of the Education Code, relating to school finance.

**Senate Bill 652:** By Senator Florez—An act to add Section 1522.08 to the Health and Safety Code, relating to foster care.

**Senate Bill 653:** By Senator Florez—An act to amend Section 827 of the Welfare and Institutions Code, relating to minors.

**Senate Bill 654:** By the Committee on Agriculture and Water Resources (Senators Machado (Chair), Alpert, Bowen, Ducheny, Florez,

Kuehl, Margett, Perata, and Torlakson)—An act to amend Section 10644 of the Water Code, relating to water.

**Senate Bill 655:** By Senator Escutia—An act to add Article 9 (commencing with Section 70500) to Chapter 5.7 of Title 8 of the Government Code, relating to financing the construction and renovation of court facilities, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

**Senate Bill 656:** By Senator Sher—An act to add Section 39614 to the Health and Safety Code, relating to air quality.

**Senate Bill 657:** By Senator Florez—An act to amend Sections 2107, 2109, 2111, 2112, and 2115 of, to amend the heading of Article 7 (commencing with Section 2105) of Chapter 1.5 of Division 3 of, to add Sections 2025, 2103, and 2104 to, to repeal Sections 2106, 2106.5, 2116, 3511 and 5515 of, to repeal Chapter 8 (commencing with Section 4700) of Part 3 of Division 4 of, and to repeal Chapter 2 (commencing with Section 5050) of Division 5 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

**Senate Bill 658:** By Senator Florez—An act to amend Section 55634 of the Food and Agricultural Code, relating to producer's liens.

**Senate Bill 659:** By Senator Soto—An act to amend Section 739 of the Public Utilities Code, relating to public utilities.

**Senate Bill 660:** By Senator Speier—An act to add Section 68154 to the Government Code, relating to courts.

**Senate Bill 661:** By Senator Cedillo—An act to amend Section 200 of the Labor Code, relating to employment.

**Senate Bill 662:** By Senator Torlakson—An act to repeal Section 42238.46 of the Education Code, and to amend Section 42 of Chapter 1167 of the Statutes of 2002, relating to school finance, and making an appropriation therefor.

**Senate Bill 663:** By Senator Speier—An act to add Section 1798.855 to the Civil Code, and to amend Sections 408 and 408.1 of, and to add Section 408.15 to, the Revenue and Taxation Code, relating to personal information.

**Senate Bill 664:** By Senator Kuehl—An act to add Sections 11495.50, 11496.60, and 11495.70 to the Welfare and Institutions Code, relating to temporary assistance for needy families.

**Senate Bill 665:** By Senator Perata—An act to add Article 6.2 (commencing with Section 124110.5) to Chapter 3 of Part 1 of Division 106 of the Health and Safety Code, relating to public health.

**Senate Bill 666:** By Senator Bowen—An act to add Section 53121 to the Government Code, relating to telecommunications.

**Senate Bill 667:** By Senator Soto—An act to add Section 674.8 to the Insurance Code, relating to property insurance.

**Senate Bill 668:** By Senator Poochigian—An act to amend Section 66006.5 of the Government Code, relating to transportation fees.

**Senate Bill 669:** By Senator Battin—An act relating to state property.

**Senate Bill 670:** By Senator Machado—An act to amend Section 9184 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 671:** By Senator Florez—An act to amend Sections 13570 and 13651 of the Business and Professions Code, relating to motor vehicle fuel.

**Senate Bill 672:** By Senator Florez—An act to amend Sections 17207 and 24347.5 of, and to add Sections 195.90, 195.91, and 195.93 to, the Revenue and Taxation Code, relating to disaster relief, and making an appropriation therefor.

**Senate Bill 673:** By Senator Florez—An act to add Article 11 (commencing with Section 12640.21) to Chapter 2A of Part 6 of Division 2 of the Insurance Code, relating to mortgage guaranty insurance.

**Senate Bill 674:** By Senator Aanestad—An act to amend Section 37700 of the Education Code, relating to schooldays.

**Senate Bill 675:** By Senator Torlakson—An act to amend Section 23114 of the Vehicle Code, relating to vehicles.

**Senate Bill 676:** By Senator Ortiz—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

**Senate Bill 677:** By Senator Ortiz—An act to amend Section 49431 of the Education Code, relating to schools.

**Senate Bill 678:** By Senator Ortiz—An act to add Sections 35182.6, 49431.2, 49431.3 to the Education Code, relating to pupils.

**Senate Bill 679:** By Senator Ortiz—An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

**Senate Bill 680:** By Senator McPherson—An act to add Article 6.3 (commencing with Section 69439.3) to Chapter 1.7 of Part 42 of the Education Code, relating to student financial aid.

**Senate Bill 681:** By Senator Morrow—An act to amend Section 30235 of the Public Resources Code, relating to coastal resources.

**Senate Bill 682:** By Senator Ortiz—An act relating to the State Budget.

**Senate Bill 683:** By Senator Alpert—An act to add Article 7 (commencing with Section 49085) to Chapter 6.5 of Part 27 of the Education Code, relating to education.

**Senate Bill 684:** By Senator Alpert—An act to add Section 52195 to the Government Code, relating to energy.

**Senate Bill 685:** By Senator Hollingsworth—An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

**Senate Bill 686:** By Senator Ortiz—An act to amend Section 1417.1 of the Health and Safety Code, relating to long-term health care facilities.

**Senate Bill 687:** By Senator Cedillo—An act to amend Section 69998 of the Education Code, relating to scholarships.

**Senate Bill 688:** By Senator Karnette—An act to amend Sections 17077.40 and 17077.42 of the Education Code, relating to public schools.

**Senate Bill 689:** By Senator Ortiz—An act to add Article 4 (commencing with Section 104210) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to cancer.

**Senate Bill 690:** By Senator Ashburn—An act to amend Section 19605.52 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

**Senate Bill 691:** By Senator Escutia—An act to add Section 1785.20.4 to the Civil Code, and to add Section 676.18 to the Insurance Code, relating to credit history.

**Senate Bill 692:** By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson)—An act to amend Section 853 of the Fish and Game Code, relating to the Department of Fish and Game.

**Senate Bill 693:** By Senator Murray—An act to add Section 12803.3 to the Government Code, relating to foster care.

**Senate Bill 694:** By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson)—An act to amend Section 4750.7 of, and to repeal Sections 532, 2804.6, and 2813 of, the Public Resources Code, relating to public resources.

**Senate Bill 695:** By Senator Ortiz—An act to add Chapter 22.7 (commencing with Section 22625) to Division 8 of the Business and Professions Code, relating to commercial locator services.

**Senate Bill 696:** By Senator Scott—An act to amend Section 44942 of, and to add Section 44440 to, the Education Code relating to teacher credentialing.

**Senate Bill 697:** By Senator Soto—An act to add Section 366.3 to the Public Utilities Code, relating to public utilities.

**Senate Bill 698:** By Senator Battin—An act to amend Section 35401 of the Water Code, relating to water districts.

**Senate Bill 699:** By Senator Sher—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

**Senate Bill 700:** By Senators Florez and Sher—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, and 41551.5 to, and to amend and repeal Section 41705 of, the Health and Safety Code, relating to air quality.

**Senate Bill 701:** By Senator Florez—An act to add Sections 17053.40 and 23640 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 702:** By Senator Florez—An act to amend Section 44282 of the Health and Safety Code, relating to air quality.

**Senate Bill 703:** By Senators Florez, Denham, and Poochigian—An act to amend Section 744 of the Public Utilities Code, relating to public utilities.

**Senate Bill 704:** By Senator Florez—An act to add Section 42315.5 to the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 705:** By Senator Florez—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

**Senate Bill 706:** By Senator Florez—An act to add Section 41814 to the Health and Safety Code, relating to air pollution.

**Senate Bill 707:** By Senator Florez—An act to add Section 33488 to the Food and Agricultural Code, relating to dairy farms.

**Senate Bill 708:** By Senator Florez—An act to amend Section 44011 of the Health and Safety Code, relating to air pollution.

**Senate Bill 709:** By Senator Florez—An act to amend Section 1 of Chapter 1201 of the Statutes of 1991, relating to air quality.

**Senate Bill 710:** By Senator Aanestad—An act to amend Section 101.7 of the Streets and Highways Code, relating to highways.

**Senate Bill 711:** By Senator Kuehl—An act to amend Section 21080.5 of, and to add Sections 21080.06 and 21100.05 to, the Public

Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 712:** By Senator Alpert—An act to amend Section 64201 of the Education Code, relating to education.

**Senate Bill 713:** By Senator Machado—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 714:** By Senator Battin—An act to add Section 5705.1 to the Labor Code, relating to workers' compensation.

**Senate Bill 715:** By Senator Battin—An act to amend Section 3207 of the Labor Code, relating to workers' compensation.

**Senate Bill 716:** By Senator Battin—An act relating to state militia.

**Senate Bill 717:** By Senator Battin—An act to add Section 273.2 to the Penal Code, relating to child endangerment.

**Senate Bill 718:** By Senator Dunn—An act to amend Section 1538.5 of the Penal Code, relating to criminal procedure.

**Senate Bill 719:** By Senator Kuehl—An act to amend Sections 32261, 32262, 35183, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

**Senate Bill 720:** By Senator Bowen—An act to amend Section 884 of the Public Utilities Code, relating to telecommunications.

**Senate Bill 721:** By Senator Kuehl—An act to amend Section 575.1 of the Code of Civil Procedure, relating to courts.

**Senate Bill 722:** By Senator McPherson—An act to amend Section 35160.5 and 49558 of the Education Code, relating to education.

**Senate Bill 723:** By Senator Knight—An act relating to unfair competition.

**Senate Bill 724:** By Senator Scott—An act to amend Section 20400 of the Elections Code, relating to elections.

**Senate Bill 725:** By Senator Romero—An act relating to health facilities.

**Senate Bill 726:** By Senator Romero—An act to repeal Sections 5098 and 5098.5 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 727:** By Senator Kuehl—An act to amend Sections 140.5, 2656, 2679, 2708, 2709, 2714, 3301, and 3302 of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to unemployment and disability compensation. compensation.

**Senate Bill 728:** By Senator Scott—An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

**Senate Bill 729:** By Senator Perata—An act to add Section 10355 to the Public Contract Code, relating to public contracts.

**Senate Bill 730:** By Senator Burton—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

**Senate Bill 731:** By Senator Ackerman—An act to amend Section 3208 of the Labor Code, relating to workers' compensation.

**Senate Bill 732:** By Senator Soto—An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

**Senate Bill 733:** By Senator Johnson—An act to amend Section 82015 of the Government Code, relating to the Political Reform Act of 1974.

**Senate Bill 734:** By Senator Ortiz—An act to amend Section 3040 of, and to add Section 3100.5 to, the Family Code, relating to child custody.

**Senate Bill 735:** By Senator Ackerman—An act to amend and repeal Sections 307, 5211, 7211, and 9211 of the Corporations Code, relating to corporations.

**Senate Bill 736:** By Senator Speier—An act to amend Sections 17550.4, 17550.13, 17550.20, 17550.21, 17550.47 of the Business and Professions Code, relating to sellers of travel.

**Senate Bill 737:** By Senator Aanestad—An act to amend Sections 2071.5, 2072.3, 2074.6, and 2075 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

**Senate Bill 738:** By Senator Karnette—An act to amend Section 19406 of the Business and Professions Code, relating to horse racing.

**Senate Bill 739:** By Senator Ducheny—An act to add Section 10553.3 to the Welfare and Institutions Code, relating to tribal health.

**Senate Bill 740:** By Senator Dunn—An act to repeal and add Section 798.80 of the Civil Code, relating to mobilehome parks.

**Senate Bill 741:** By Senator Johnson—An act to amend Section 10108.5 of the Public Contract Code, relating to public contracts.

**Senate Bill 742:** By Senator Johnson—An act to amend Section 19800 of the Business and Professions Code, relating to gambling.

**Senate Bill 743:** By Senator Johnson—An act to amend Section 25000.9 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 744:** By Senators Dunn and Ducheny (Principal coauthor: Senator Hollingsworth) (Principal coauthor: Assembly Member Steinberg) (Coauthors: Senators Burton and Florez)—An act to add Sections 65585.3 and 65585.4 to the Government Code, relating to planning.

**Senate Bill 745:** By Senator Ashburn—An act to amend Section 66418.2 of the Government Code, relating to land use.

**Senate Bill 746:** By Senator Escutia—An act to add Section 42251 to the Education Code, relating to school finance, and making an appropriation therefor.

**Senate Bill 747:** By Senator Romero—An act to repeal Section 25292 of the Health and Safety Code, relating to hazardous materials

**Senate Bill 748:** By Senator McPherson—An act relating to veterans.

**Senate Bill 749:** By Senator Escutia—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

**Senate Bill 750:** By Senator Machado—An act to add Division 26.7 (commencing with Section 79600) to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 751:** By Senator Karnette—An act to amend Section 13975 of the Government Code, relating to state agencies.

**Senate Bill 752:** By Senator Alpert—An act to add Section 853.5a to the Penal Code, relating to identification.

**Senate Bill 753:** By Senator Alpert—An act to amend Sections 14669.15 and 14669.16 of the Government Code, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 754:** By Senator Perata—An act to add Division 10.7 (commencing with Section 12400) to the Public Resources Code, relating to forest resources.

**Senate Bill 755:** By Senator Torlakson—An act to add Sections 7927.5 and 7927.6 to the Labor Code, relating to amusement rides.

**Senate Bill 756:** By Senator Denham—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government finance.

**Senate Bill 757:** By Senator Poochigian—An act to amend Section 6130 of the Labor Code, relating to workers' compensation.

**Senate Bill 758:** By Senator Poochigian—An act to amend Section 4060 of the Labor Code, relating to workers' compensation.

**Senate Bill 759:** By Senator Poochigian—An act to amend Section 4551 of the Labor Code, relating to workers' compensation.

**Senate Bill 760:** By Senators Scott and Alpert—An act to amend Section 6368.8 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 761:** By Senator McPherson—An act to amend Section 1802.1 of the Insurance Code, and to amend Sections 1278, 1287, and 1308 of the Penal Code, relating to bail services.

**Senate Bill 762:** By Senators Brulte and Margett—An act to amend Section 1210 of the Penal Code, relating to controlled substances.

**Senate Bill 763:** By Senator Brulte—An act to amend Section 17217 of the Education Code, relating to schoolsite acquisition.

**Senate Bill 764:** By Senator Morrow—An act to amend Section 205.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 765:** By Senator Ortiz—An act relating to state financing.

**Senate Bill 766:** By Senator Florez—An act to amend Section 25500 of the Corporations Code, relating to corporations.

**Senate Bill 767:** By Senator Florez—An act relating to health.

**Senate Bill 768:** By Senator Ortiz—An act relating to human services.

**Senate Bill 769:** By Senator Battin—An act to repeal Sections 12012.25, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming, and making an appropriation therefor.

**Senate Bill 770:** By Senator Chesbro—An act to add Section 80110.1 to the Water Code, relating to electricity.

**Senate Bill 771:** By Senator Ortiz—An act to amend and renumber Sections 125115, 125116, and 125117 of, to add Sections 125305 and 125310 to, to add the headings of Part 5.5 (commencing with Section 125300) and Chapter 1 (commencing with Section 125300) to Division 106 of, to add Chapter 2 (commencing with Section 125330) to Part 5.5 of Division 106 of, and to repeal the heading of Article 5 (commencing with Section 125115) of Part 5 of Division 106 of, the Health and Safety Code, relating to human tissue.

**Senate Bill 772:** By Senator Bowen—An act to amend Section 25322 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

**Senate Bill 773:** By Senator Murray—An act to amend the heading of Article 14 (commencing with Section 111222) of Chapter 5 of Part 5 of Division 104 of, to amend Section 111222 of, and to add Sections 111224 and 113995.6 to, the Health and Safety Code, relating to food labeling and safety.

**Senate Bill 774:** By Senator Vasconcellos—An act to amend Sections 4140, 4142, 4145, and 4147 of, to add Sections 4142.2, 4142.4, 4142.6, and 4142.8 to, and to repeal Section 4146 of, the Business and Professions Code, and to amend Sections 11364 and 11364.5 of the Health and Safety Code, relating to hypodermic needles and syringes.

**Senate Bill 775:** By Senator Ashburn—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Senate Bill 776:** By Senator Johnson—An act relating to state boards and commissions.

**Senate Bill 777:** By Senator Escutia—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

**Senate Bill 778:** By Senator Ortiz—An act to add Chapter 2.5 (commencing with Section 104250) to Part 1 of Division 103 of the Health and Safety Code, relating to an election for biomedical research and development, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

**Senate Bill 779:** By Senator Speier—An act to add Article 5 (commencing with Section 110424.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

**Senate Bill 780:** By Senator Torlakson—An act to amend Section 40518 of, to add Sections 12810.3, 40518.5, and 40520.5 to, and to repeal and add Section 21455.5 of, the Vehicle Code, relating to vehicles.

**Senate Bill 781:** By Senator Margett—An act to amend Section 3001 of the Penal Code, relating to parole.

**Senate Bill 782:** By Senator Margett—An act to amend Section 2932 of the Penal Code, relating to prisoners.

**Senate Bill 783:** By Senator Margett—An act to amend Section 1250 of the Water Code, relating to water.

**Senate Bill 784:** By Senator Karnette—An act to amend Section 1473.5 of the Penal Code, relating to battered women's syndrome.

**Senate Bill 785:** By Senator Ortiz—An act to amend Section 14105 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 786:** By Senator Denham—An act to amend Section 51204 of the Education Code, relating to pupil instruction.

**Senate Bill 787:** By Senator Battin—An act to amend Sections 53601 and 53635 to the Government Code, relating to local agency investments.

**Senate Bill 788:** By Senator Denham—An act to amend Section 201 of the Food and Agricultural Code, relating to agriculture.

**Senate Bill 789:** By Senator Johnson—An act relating to public schools, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 790:** By Senator Johnson—An act relating to public school employer-employee relations, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 791:** By Senator Florez—An act to amend Sections 13400, 13401, 13402, 13403, 13405, and 13406 of, and to add Chapter 5.5 (commencing with Section 11531) to Part 1 of, and to add Chapter 3.5 (commencing with Section 13343) to Part 3 of, Division 3 of Title 2 of the Government Code, relating to information technology.

**Senate Bill 792:** By Senator Sher—An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

**Senate Bill 793:** By Senator Vasconcellos—An act to amend Section 66902 of the Education Code, relating to postsecondary education.

**Senate Bill 794:** By Senator Battin—An act to amend Section 78684.13 of the Water Code, relating to water.

**Senate Bill 795:** By Senator Karnette—An act to amend Sections 2550, 2557, and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

**Senate Bill 796:** By Senator Dunn—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

**Senate Bill 797:** By Senator Machado—An act to amend Section 1367.665 of the Health and Safety Code, relating to health care.

**Senate Bill 798:** By Senator Cedillo—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

**Senate Bill 799:** By Senator Denham—An act to amend Section 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.

**Senate Bill 800:** By Senator Florez—An act to add Sections 1692.7, 1692.8, 1694.5, 1694.6, and 1694.7 to the Labor Code, relating to farm labor contractors.

**Senate Bill 801:** By Senator Vasconcellos—An act to repeal and add Section 51220.3 to the Education Code, relating to instruction.

**Senate Bill 802:** By Senator Torlakson—An act to amend Section 164.19 of the Streets and Highways Code, relating to transportation.

**Senate Bill 803:** By Senator Soto—An act relating to water.

**Senate Bill 804:** By Senator Machado—An act to amend Section 704.730 of the Code of Civil Procedure, relating to homesteads.

**Senate Bill 805:** By Senator Escutia—An act to amend Sections 26505 and 26506 of the Public Resources Code, relating to hazardous substances.

**Senate Bill 806:** By Senator Sher—An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

**Senate Bill 807:** By Senator Denham—An act to amend Section 40709 of the Health and Safety Code, relating to air quality.

**Senate Bill 808:** By Senator Karnette—An act to amend Section 473 of the Business and Professions Code, relating to professions and vocations.

**Senate Bill 809:** By Senator Morrow—An act to amend Section 66025.3 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 810:** By Senator Burton—An act to amend Section 4528 of the Public Resources Code, relating to natural resources.

**Senate Bill 811:** By Senator McPherson—An act relating to federal terrorism funding.

**Senate Bill 812:** By Senator Vincent—An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing.

**Senate Bill 813:** By Senator Vincent—An act to amend Section 19605.3 of the Business and Professions Code, relating to horse racing.

**Senate Bill 814:** By Senator Vincent—An act to amend Section 19801 of the Business and Professions Code, relating to gambling.

**Senate Bill 815:** By Senator Alpert—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 816:** By Senator Perata—An act to amend Section 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

**Senate Bill 817:** By Senator Ducheny—An act relating to employment.

**Senate Bill 818:** By Senator Escutia—An act to amend Sections 71801 and 71802 of the Government Code, and to amend Section 1 of Chapter 1047 of the Statutes of 2002, relating to courts.

**Senate Bill 819:** By Senator Alarcón—An act to amend Section 24343 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 820:** By Senators Denham and McPherson—An act to add Section 25679.5 to the Public Resources Code, relating to ethanol.

**Senate Bill 821:** By Senator Alarcón—An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, relating to business ethics.

**Senate Bill 822:** By Senator Soto—An act to amend Section 1798.3 of the Civil Code, relating to the Information Practices Act of 1977.

**Senate Bill 823:** By Senators Karnette and Alpert—An act to add Sections 8534.5, 8536.1, 8540, and 8541 to the Education Code, relating to students.

**Senate Bill 824:** By Senator Scott—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

**Senate Bill 825:** By Senator Torlakson—An act to add Section 14900.3 to the Vehicle Code, relating to pedestrian and bicyclist safety.

**Senate Bill 826:** By Senator Ashburn—An act to add and repeal Section 42283.6 of the Education Code, relating to the Hot Springs Elementary School District.

**Senate Bill 827:** By Senator Aanestad—An act to add Section 14079.8 to the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 828:** By Senators Figueroa, Perata, and Romero (Coauthor: Assembly Member Dutra)—An act to add Section 1252.5 to the Health and Safety Code, relating to hospitals.

**Senate Bill 829:** By Senator Florez—An act to amend Section 14175 of the Penal Code, relating to the Central Valley Rural Crime Prevention Program.

**Senate Bill 830:** By Senator Florez—An act to amend Section 2893 of the Public Utilities Code, relating to telecommunications.

**Senate Bill 831:** By Senator Perata—An act to add Section 14005.26 to the Welfare and Institutions Code, relating to human services.

**Senate Bill 832:** By Senator Morrow—An act relating to pests.

**Senate Bill 833:** By Senator Machado—An act to amend Section 35409 of the Water Code, relating to water.

**Senate Bill 834:** By Senator Bowen—An act to add Section 713 to the Public Utilities Code, relating to public utilities.

**Senate Bill 835:** By Senator Escutia—An act to amend Section 3040 of the Civil Code, relating to health care liens.

**Senate Bill 836:** By Senator Soto—An act to add Section 20423.7 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

**Senate Bill 837:** By Senator Alarcón—An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to public schools.

**Senate Bill 838:** By Senator Knight—An act to add Section 1104.3 to the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 839:** By Senator Dunn—An act to amend Section 10365.5 of the Public Contract Code, relating to conflict of interest.

**Senate Bill 840:** By Senator Chesbro (Coauthor: Assembly Member Berg)—An act to add Section 12749.93 to the Water Code, relating to water.

**Senate Bill 841:** By Senator Perata—An act to amend Section 1215.9 of the Insurance Code, relating to insurance holding companies.

**Senate Bill 842:** By Senator Karnette—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

**Senate Bill 843:** By Senator Denham—An act to amend Section 80 of the Military and Veterans Code, relating to veterans.

**Senate Bill 844:** By Senator Vincent—An act to amend Section 1740 of the Business and Professions Code, relating to dentistry.

**Senate Bill 845:** By Senator Margett—An act to amend Section 10500 of the Water Code, relating to water.

**Senate Bill 846:** By Senator Margett—An act to amend Section 19481.5 of the Business and Professions Code, relating to horse racing.

**Senate Bill 847:** By Senator Aanestad—An act to add Section 1276.45 to the Health and Safety Code, relating to health facilities.

**Senate Bill 848:** By Senator Karnette—An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

**Senate Bill 849:** By Senators Torlakson and Alpert—An act relating to taxation.

**Senate Bill 850:** By Senator Ortiz—An act to amend Section 12957 of the Insurance Code, relating to the Insurance Commissioner.

**Senate Bill 851:** By the Committee on Public Safety (Senators McPherson (Chair), Burton, Margett, Romero, Sher, and Vasconcellos)—An act to amend Section 803 of the Penal Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

**Senate Bill 852:** By Senator Ashburn—An act to amend Section 5001.65 of the Public Resources Code, relating to state parks.

**Senate Bill 853:** By Senator Escutia—An act to amend Section 1367 of, and to add Section 1367.04 to, the Health and Safety Code, relating to health care coverage.

**Senate Bill 854:** By Senator Soto—An act to amend Section 19131 of the Government Code, relating to public employment.

**Senate Bill 855:** By Senator Machado—An act to amend Section 1502.3 of the Health and Safety Code, relating to care facilities.

**Senate Bill 856:** By the Committee on Governmental Organization (Senators Vincent (Chair), Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, and Soto)—An act relating to state property.

**Senate Bill 857:** By Senator Speier—An act to add Section 100186 to the Health and Safety Code, relating to health care.

**Senate Bill 858:** By Senator Ortiz—An act to add Section 104466 to the Health and Safety Code, relating to tobacco control, and making an appropriation therefor.

**Senate Bill 859:** By Senator Hollingsworth—An act to amend Section 111 of the Corporations Code, relating to corporations.

**Senate Bill 860:** By Senator Hollingsworth—An act to amend Section 5203 of the Financial Code, relating to financial institutions.

**Senate Bill 861:** By Senator Hollingsworth—An act to amend Section 15315 of the Government Code, relating to international trade.

**Senate Bill 862:** By Senator Hollingsworth—An act to amend Section 101 of the Food and Agricultural Code, relating to the Department of Food and Agriculture.

**Senate Bill 863:** By Senator Hollingsworth—An act to amend Section 50542 of the Health and Safety Code, relating to balancing jobs and housing.

**Senate Bill 864:** By Senator Hollingsworth—An act to amend Section 33031 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 865:** By Senator Hollingsworth—An act to amend Section 57026 of the Government Code, relating to local agency reorganization.

**Senate Bill 866:** By Senator Aanestad—An act to add Section 1348.7 to the Fish and Game Code, relating to wildlife.

**Senate Bill 867:** By Senator Burton—An act to amend Sections 139.2 and 3209.3 of the Labor Code, relating to workers' compensation.

**Senate Bill 868:** By Senator Dunn—An act to amend Section 1776 of the Labor Code, relating to public works.

**Senate Bill 869:** By Senator Alarcón—An act to relating to employment.

**Senate Bill 870:** By Senator Bowen—An act to amend Section 27279.1 of the Government Code, related to county recorders.

**Senate Bill 871:** By Senator Burton—An act to amend Section 39152 of the Health and Safety Code, relating to air quality.

**Senate Bill 872:** By Senator Alarcón—An act to amend Section 52 of the Civil Code, relating to civil rights.

**Senate Bill 873:** By Senator McPherson—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

**Senate Bill 874:** By Senators Bowen and Murray—An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

**Senate Bill 875:** By Senator Escutia—An act to amend Section 49530 of the Education Code, relating to child nutrition.

**Senate Bill 876:** By Senators Morrow, Battin, Hollingsworth, Knight, Oller, and Denham—An act to amend Section 6600 of the Welfare and Institutions Code, relating to sexually violent predators.

**Senate Bill 877:** By Senators Hollingsworth, Battin, Denham, and Knight—An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 878:** By Senators Knight, Battin, Denham, Hollingsworth, Margett, Morrow, and Oller—An act to amend Section 166 of the Penal Code, relating to crimes.

**Senate Bill 879:** By Senators Margett, Battin, Denham, Hollingsworth, Knight, Morrow, and Oller—An act to amend Sections 290 and 311.11 of the Penal Code, relating to child pornography.

**Senate Bill 880:** By Senators Ashburn, Battin, Hollingsworth, Knight, Morrow, and Oller—An act to amend Section 190.2 of the Penal Code, relating to murder.

**Senate Bill 881:** By Senators Hollingsworth, Battin, Denham, Knight, Morrow, and Oller—An act to amend Section 3000 of the Penal Code, relating to corrections.

**Senate Bill 882:** By Senators Denham, Battin, Hollingsworth, Knight, McPherson, Morrow, and Oller—An act to add Section 664.5 to the Penal Code, relating to offenses against minors.

**Senate Bill 883:** By Senators Margett, Battin, Denham, Hollingsworth, Knight, Morrow, and Oller—An act to amend Section 296 of the Penal Code, relating to forensic identification.

**Senate Bill 884:** By Senators Poochigian, Battin, Denham, Hollingsworth, Knight, Margett, and Morrow—An act to amend Sections 209, 653f, and 667.61 of the Penal Code, relating to crimes.

**Senate Bill 885:** By Senators Knight, Battin, Denham, Hollingsworth, Margett, Morrow, and Oller—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

**Senate Bill 886:** By Senators Hollingsworth, Battin, Denham, Knight, and Morrow—An act to amend Section 8463 of the Education Code, relating to childcare.

**Senate Bill 887:** By Senator Perata (Coauthors: Assembly Members Chan, Firebaugh, and Lowenthal)—An act to add Division 3 (commencing with Section 64050) to Title 6.7 of the Government Code, relating to financing a seaport security and port neighborhood transportation, clean air, and navigation improvement program by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 888:** By Senator Dunn—An act to add Section 712 to the Public Utilities Code, relating to public utilities.

**Senate Bill 889:** By Senators Johnson, Aanestad, Ackerman, Battin, Denham, Hollingsworth, Margett, and Oller (Coauthors: Assembly Members Benoit, Cox, Haynes, La Suer, Leslie, and Plescia)—An act to add Section 17204.1 to the Business and Professions Code, relating to unfair competition.

**Senate Bill 890:** By Senators Johnson, Aanestad, Battin, Denham, Hollingsworth, and Margett (Coauthors: Assembly Members Benoit, Cox, Harman, Haynes, Leslie, and Plescia)—An act to amend Section 17204 of, and to add Chapter 6 (commencing with Section 17300) to Part 2 of Division 7 of, the Business and Professions Code, relating to unfair competition.

**Senate Bill 891:** By Senator Hollingsworth—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Senate Bill 892:** By Senator Murray—An act to amend Section 17582 of the Education Code, relating to public schools.

**Senate Bill 893:** By Senator Morrow—An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

**Senate Bill 894:** By Senator Aanestad—An act relating to water.

**Senate Bill 895:** By Senator Florez—An act to amend Section 15373.106 of the Government Code, relating to economic development.

**Senate Bill 896:** By Senator Florez—An act to add Section 1025 to the Government Code, relating to public funds.

**Senate Bill 897:** By Senator Speier—An act to add Section 11400.5 to the Welfare and Institutions Code, relating to public social services.

**Senate Bill 898:** By Senator Burton—An act to add and repeal Section 51221 of the Government Code, relating to land conservation.

**Senate Bill 899:** By Senator Poochigian—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

**Senate Bill 900:** By Senator Florez—An act to amend Section 313.1 of the Penal Code, relating to harmful material.

**Senate Bill 901:** By Senator Dunn—An act to add Division 21 (commencing with Section 60000) to the Financial Code, relating to community reinvestment.

**Senate Bill 902:** By Senator Chesbro—An act to add Section 15867 to the Government Code, relating to state property.

**Senate Bill 903:** By Senator Chesbro—An act to amend the heading of Chapter 9.5 (commencing with Section 13885) of Title 6 of Part 4 of, and to amend Section 13885.1 of, the Penal Code, relating to the Sexual Predator Apprehension Team force.

**Senate Bill 904:** By Senator Chesbro—An act to amend Sections 5093.55 and 5093.56 of the Public Resources Code, relating to wild and scenic rivers.

**Senate Bill 905:** By Senator Chesbro—An act to amend Section 76001 of the Education Code, relating to education finance.

**Senate Bill 906:** By Senator Escutia—An act to amend Sections 60290 and 60622 of, and to add Sections 60233.6 and 71611.5 to, the Water Code, relating to water.

**Senate Bill 907:** By Senator Burton—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

**Senate Bill 908:** By Senator Denham—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

**Senate Bill 909:** By Senator Machado—An act to amend Section 10753.7 of the Water Code, relating to water.

**Senate Bill 910:** By Senators Margett and Ackerman—An act to amend Section 17200 of the Business and Professions Code, relating to unfair competition.

**Senate Bill 911:** By Senator Alpert—An act to add Section 53115.4 to the Government Code, relating to emergency services.

**Senate Bill 912:** By Senators Ackerman, Margett, and Morrow—An act to amend Section 17204 of, and to add Chapter 6 (commencing with Section 17300) to Part 2 of Division 7 of, the Business and Professions Code, relating to unfair competition.

**Senate Bill 913:** By Senator Margett—An act to amend Section 4456 of the Labor Code, relating to workers' compensation.

**Senate Bill 914:** By Senators Bowen, Escutia, Kuehl, and Speier—An act to amend Section 124250 of the Health and Safety Code, relating to domestic violence.

**Senate Bill 915:** By Senators Perata, Burton, and Torlakson (Coauthors: Assembly Members La Suer, Mullin, and Wiggins)—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.22, 66540.40, and 66540.72 of, and to repeal Section 66540.23 of, the Government Code, relating to transportation.

**Senate Bill 916:** By Senator Perata (Principal coauthor: Senator Torlakson) (Coauthor: Senator Burton) (Coauthors: Assembly Members Leno, Mullin, and Wiggins)—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30610, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30914.5, 30922 and 30950.5 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792,

30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

**Senate Bill 917:** By Senator Alarcón—An act to amend Section 309 of the Corporations Code, relating to corporations.

**Senate Bill 918:** By Senator Battin—An act to amend Section 33031 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 919:** By Senator Ortiz—An act to amend Section 243 of the Penal Code, relating to battery.

**Senate Bill 920:** By Senator Bowen—An act to amend Sections 352 and 372 of, to amend and renumber Section 454.1 of, to add Section 345.3 to, to repeal Sections 346, 348, and 350 of, and to repeal Article 2 (commencing with Section 334), Article 4 (commencing with Section 355), and Article 5 (commencing with Section 359) of Chapter 2.3 of Part 1 of, the Public Utilities Code, relating to public utilities.

**Senate Bill 921:** By Senators Kuehl, Cedillo, Florez, and Perata (Coauthors: Assembly Members Goldberg, Hancock, Levine, Pavley, and Steinberg)—An act to add Division 112 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

**Senate Bill 922:** By Senator Soto—An act to amend Section 13304 of the Water Code, relating to water.

**Senate Bill 923:** By Senator Sher—An act to amend Sections 5650 and 12011 of the Fish and Game Code, and to amend Sections 13265 and 13269 of the Water Code, relating to water, and making an appropriation therefor.

**Senate Bill 924:** By Senator Karnette—An act to add Chapter 4.8 (commencing with Section 2195) to Division 3 of the Streets and Highways Code, relating to transportation.

**Senate Bill 925:** By Senator McPherson—An act to amend Section 6950 of the Fish and Game Code, relating to invasive species.

**Senate Bill 926:** By Senator Knight—An act to amend Sections 15325, 15346.4, 15346.8, and 65040.9 of the Government Code, relating to military bases.

**Senate Bill 927:** By Senator Alarcón—An act to add Chapter 2 (commencing with Section 2500) of Part 9 of Division 2 of the Labor Code, relating to stadiums and arenas.

**Senate Bill 928:** By Senator Aanestad—An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

**Senate Bill 929:** By Senator Speier—An act to add Section 12313 to the Penal Code, relating to explosives.

**Senate Bill 930:** By Senator Burton—An act to amend Section 12012.85 of the Government Code, relating to gaming.

**Senate Bill 931:** By Senator Ackerman—An act to amend Section 3 of the Code of Civil Procedure, relating to procedure.

**Senate Bill 932:** By Senator Bowen—An act to add Section 5914.5 to the Corporations Code, relating to corporations.

**Senate Bill 933:** By Senator Dunn—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 934:** By Senator Machado—An act to amend Section 47003 of, and to add Section 47002.5 to, the Food and Agricultural Code, relating to farmers' markets.

**Senate Bill 935:** By Senator Knight—An act to add Sections 18154 and 24996 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 936:** By Senator Escutia—An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

**Senate Bill 937:** By Senator Ducheny—An act to amend Sections 1208, 1212, and 1217 of, and to add Sections 1218.1, 1218.2, 1226.1, and 1226.3 to, the Health and Safety Code, relating to clinics.

**Senate Bill 938:** By Senator McPherson—An act to amend Sections 36522 and 36523 of, and to repeal Section 36523.5 of, the Streets and Highways Code, relating to improvement areas.

**Senate Bill 939:** By Senator Alarcón—An act to relating to the California State Lottery.

**Senate Bill 940:** By Senator Escutia—An act to amend Section 1281.85 of the Code of Civil Procedure, relating to arbitration.

**Senate Bill 941:** By Senator Bowen—An act to amend Section 1203.10 of the Penal Code, and to amend Section 3201 of the Welfare and Institutions Code, relating to narcotic addicts.

**Senate Bill 942:** By Senator Sher—An act to amend Section 25161 of the Health and Safety Code, relating to hazardous waste.

**Senate Bill 943:** By Senator Bowen—An act to amend Section 3325 of the Public Utilities Code, relating to energy resources.

**Senate Bill 944:** By Senator Sher—An act to add Section 454.6 to the Public Utilities Code, relating to public utilities.

**Senate Bill 945:** By Senator Sher—An act to amend Section 21087 of the Public Resources Code, relating to environmental quality.

**Senate Bill 946:** By Senator Denham—An act to add Section 17305.5 to the Family Code, relating to social services.

**Senate Bill 947:** By Senator Ducheny—An act to amend Section 7810 of, and to add Section 8620 to, the Family Code, to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

**Senate Bill 948:** By Senator Morrow—An act to add Section 17132.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 949:** By Senators Speier and Escutia—An act to add Article 2.3 (commencing with Section 9033) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

**Senate Bill 950:** By Senator Alarcón—An act to amend Section 300 of the Welfare and Institutions Code, relating to minors.

**Senate Bill 951:** By Senator Perata—An act to amend Section 16080 of the Government Code, relating to the Environmental Quality Study Council.

**Senate Bill 952:** By Senator Perata—An act to amend Section 65048 of the Government Code, relating to state planning.

**Senate Bill 953:** By Senator Dunn (Principal coauthor: Assembly Member Steinberg)—An act to add Part 6 (commencing with Section 1180) to Division 1 of the Health and Safety Code, relating to an election for children's hospital bonds, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

**Senate Bill 954:** By Senator Murray—An act relating to asbestos.

**Senate Bill 955:** By Senator Burton—An act to amend Section 87482.5 of the Education Code, relating to community colleges.

**Senate Bill 956:** By Senator McClintock—An act to add Section 42101 to the Education Code, relating to public school funding.

**Senate Bill 957:** By Senator McClintock—An act to amend Section 8558 of, and to add Sections 8557.5 and 14032.3 to, the Government Code, relating to highways.

**Senate Bill 958:** By Senator McClintock—An act relating to redevelopment.

**Senate Bill 959:** By Senator McClintock—An act to amend Section 6007.5 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 960:** By Senator McClintock—An act to amend Section 25009 of the Public Resources Code, relating to energy.

**Senate Bill 961:** By Senator McClintock—An act to amend Section 218 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 962:** By Senator McClintock—An act to amend Section 201 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 963:** By Senator McClintock—An act to relating to transportation.

**Senate Bill 964:** By Senator Burton—An act to add Section 60852.5 to the Education Code, relating to the high school exit examination.

**Senate Bill 965:** By Senator Aanestad—An act to amend Section 1011 of the Military and Veterans Code, relating to veterans.

**Senate Bill 966:** By Senator Alarcón—An act to add Section 1781 to the Labor Code, relating to prevailing wages.

**Senate Bill 967:** By Senator Burton—An act to amend and renumber Section 94740.1 of, and to add Section 94740.5 to, the Education Code, relating to postsecondary education.

**Senate Bill 968:** By Senator Bowen—An act to amend Sections 186.2 and 186.8 of the Penal Code, relating to organized crime.

**Senate Bill 969:** By Senator Bowen (Principal coauthor: Assembly Member Corbett)—An act to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

**Senate Bill 970:** By Senator Ortiz—An act to add Section 11113 to the Penal Code, relating to fingerprinting

**Senate Bill 971:** By Senator Burton—An act to add Section 89500.5 to the Education Code, relating to the California State University.

**Senate Bill 972:** By Senator Denham—An act to amend Section 7270 of the Food and Agricultural Code, relating to noxious weeds.

**Senate Bill 973:** By Senator Machado—An act to amend Section 6166 of the Government Code, relating to state agencies.

**Senate Bill 974:** By Senator Alarcón—An act to add Section 15563 to the Government Code, relating to economic development.

**Senate Bill 975:** By Senator Knight—An act relating to Medi-Cal.

**Senate Bill 976:** By Senator Ducheny—An act relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 977:** By Senator Johnson—An act to add Section 1044.5 to the Penal Code, relating to criminal actions.

**Senate Bill 978:** By Senator Torlakson (Principal coauthor: Assembly Member Canciamilla)—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

**Senate Bill 979:** By Senator Ducheny—An act to amend 47612.1 of the Education Code, relating to charter schools.

**Senate Bill 980:** By Senator Alarcón—An act to amend Section 33424 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 981:** By Senators Soto and Romero—An act to add Division 29 (commencing with Section 38000) to the Public Resources Code, relating to petroleum pollution.

**Senate Bill 982:** By Senator Aanestad—An act to add Section 2800.5 to the Vehicle Code, relating to vehicles.

**Senate Bill 983:** By Senator Alarcón—An act to amend Section 48003 of the Public Resources Code, relating to solid waste.

**Senate Bill 984:** By Senator Scott—An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend Sections 15100 and 15763 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

**Senate Bill 985:** By Senator McClintock—An act to amend Section 13320 of, and to add Section 13335.5 to, the Government Code, relating to the state budget.

**Senate Bill 986:** By Senator Scott—An act to amend Section 2850 of the Probate Code, relating to conservatorship.

**Senate Bill 987:** By Senator McPherson—An act relating to the California missions, and making an appropriation therefor.

**Senate Bill 988:** By Senator McPherson—An act to repeal Section 25244.3 of the Health and Safety Code, relating to hazardous waste.

**Senate Bill 989:** By Senator McPherson—An act to amend Section 42241.5 of the Public Resources Code, relating to waste management.

**Senate Bill 990:** By Senator McPherson—An act to amend Section 13263 of the Water Code, relating to water.

**Senate Bill 991:** By Senator Morrow—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Senate Bill 992:** By Senator Poochigian—An act to amend Section 51220 of the Education Code, relating to instruction.

**Senate Bill 993:** By Senator Poochigian—An act to amend Section 422 of the Penal Code, relating to threats

**Senate Bill 994:** By Senator Hollingsworth—An act to add Section 1348.5 to the Fish and Game Code, relating to the Colorado river, and making an appropriation therefor.

**Senate Bill 995:** By Senator Aanestad—An act to add Article 2.5 (commencing with Section 2045) to Chapter 5 of Division 2 of the Business and Professions Code, relating to pain management.

**Senate Bill 996:** By Senator Alarcón—An act to add Section 1185.6 to the Labor Code, relating to employment.

**Senate Bill 997:** By Senator Sher—An act to amend Section 66001 of the Government Code, relating to local planning.

**Senate Bill 998:** By Senator Bowen—An act to add Division 3 (commencing with Section 64050) to Title 6.7 of the Government Code, relating to financing a program for economic stimulus and infrastructure investment, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

**Senate Bill 999:** By Senator Machado—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

**Senate Bill 1000:** By Senator Aanestad—An act to amend Sections 1011 and 1398 of the Water Code, relating to water.

**Senate Bill 1001:** By Senator Escutia—An act relating to public social services.

**Senate Bill 1002:** By Senator Sher—An act to amend Sections 25281 and 25297.1 of the Health and Safety Code, relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1003:** By Senator Ashburn—An act to add Section 1526.76 to the Health and Safety Code, relating to care facilities.

**Senate Bill 1004:** By Senators Soto and Romero (Coauthors: Assembly Members Calderon and Firebaugh)—An act to add Sections 13272.2 and 13272.3 to the Water Code, relating to water.

**Senate Bill 1005:** By Senator Dunn—An act to amend Sections 1279, 1280, 1280.1, and 1280.2 of, and to add Sections 1266.2 and 1279.1 to, the Health and Safety Code, relating to health facilities.

**Senate Bill 1006:** By Senator Knight—An act to amend Section 56.101 of the Civil Code, relating to medical information.

**Senate Bill 1007:** By Senators Speier and Margett—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

**Senate Bill 1008:** By Senator Machado—An act to amend Section 999.9 of the Military and Veterans Code, relating to veterans.

**Senate Bill 1009:** By Senator Alpert—An act to make an appropriation in augmentation of Items 9800-011-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2003, relating to state employees, to take effect immediately, as an appropriation for the usual and current expenses of the state.

**Senate Bill 1010:** By Senators Poochigian, Aanestad, Ackerman, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Oller (Coauthors: Assembly Members Aghazarian, Benoit, Bogh, Cogdill, Garcia, La Malfa, Leslie, Maze, Mountjoy, Nakanishi, Pacheco, Plescia, Runner, Samuelian, and Wyland)—An act to amend Section 1205, and to repeal Section 3302, of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1011:** By Senators Battin, Aanestad, Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian—An act to repeal and add Section 19134 of the Government Code, to repeal Section 1771.7 of the Labor Code, and to repeal Section 2 of Chapter 1132 of the Statutes of 2002, relating to public contracting.

**Senate Bill 1012:** By Senators Poochigian, Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McPherson, Morrow, and Oller—An act to amend Section 17276 of, to repeal Section 17276.3 of, and to repeal and add Section 18662 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1013:** By Senators Ackerman, Aanestad, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, and Poochigian—An act to amend Sections 340, 340.10, and 437c of, and to repeal Sections 335.1, 1281.96, and 1284.3 of, the Code of Civil Procedure, relating to civil actions.

**Senate Bill 1014:** By Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian—An act to add Sections 130026 and 130071 to the Health and Safety Code, relating to health facilities.

**Senate Bill 1015:** By Senators Morrow, Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian—An act to amend Section 353.1 of the Public Utilities Code, relating to energy resources.

**Senate Bill 1016:** By Senator Bowen—An act to add Section 22964 to the Business and Professions Code, relating to tobacco.

**Senate Bill 1017:** By Senator Speier—An act to add Section 94777.3 to the Education Code, relating to private postsecondary education.

**Senate Bill 1018:** By Senator Florez—An act to amend Section 15365.11 of the Government Code, relating to exports.

**Senate Bill 1019:** By Senator Florez—An act to amend Section 243.8 of the Penal Code, relating to crimes.

**Senate Bill 1020:** By Senator Soto—An act relating to water.

**Senate Bill 1021:** By Senator Poochigian—An act to amend Sections 6240 and 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to wills and trusts.

**Senate Bill 1022:** By Senator Perata—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

**Senate Bill 1023:** By the Committee on Elections and Reapportionment (Senators Perata (Chair), Escutia, and Murray)—An act to amend Sections 13000, 13004, and 13103 of, and to repeal Section 13007 of, the Elections Code, relating to elections.

**Senate Bill 1024:** By the Committee on Elections and Reapportionment (Senators Perata (Chair), Escutia, and Murray)—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 7227, 7422, 7672, 7772, 10411, 11020, 13113, and 14242 of the Elections Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

**Senate Bill 1025:** By Senator Escutia—An act to amend Section 12955.1 of the Government Code, relating to fair housing.

**Senate Bill 1026:** By Senator Machado—An act to add Section 32501.5 to the Food and Agricultural Code, relating to milk.

**Senate Bill 1027:** By Senator Ashburn—An act relating to disease prevention, and making an appropriation therefor.

**Senate Bill 1028:** By Senator Ashburn—An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

**Senate Bill 1029:** By Senator Ashburn—An act to amend Section 7073 of the Government Code, relating to economic development.

**Senate Bill 1030:** By Senator Ashburn—An act to add Section 7630.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity testing.

**Senate Bill 1031:** By Senator Murray—An act to amend Section 10005 of the Public Utilities Code, relating to public utilities.

**Senate Bill 1032:** By Senator Murray—An act relating to business.

**Senate Bill 1033:** By Senator Murray—An act relating to business.

**Senate Bill 1034:** By Senator Murray—An act relating to employment.

**Senate Bill 1035:** By Senator Murray—An act to amend Section 2855 of the Labor Code, relating to employment.

**Senate Bill 1036:** By Senator Machado—An act to amend Sections 62066, 62196, 62201, 62711, and 62712 of, and to add and repeal Section 62066.1 of, the Food and Agricultural Code, relating to milk.

**Senate Bill 1037:** By Senator Sher—An act to amend Sections 66453 and 66473.3 of, and to repeal Section 66473.2 of, the Government Code relating to subdivisions.

**Senate Constitutional Amendment 10:** By Senators Florez and Brulte—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gaming.

**Senate Concurrent Resolution 12:** By Senator Alarcón—Relative to the Joint Committee to Develop a Master Plan to End Poverty in California.

**Senate Resolution 10:** By Senator Florez—Relative to the United States Navy Commander Otis Vincent Tolbert Memorial Highway.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Senate Chamber, February 24, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

ACR 13

ACR 18

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

### Second Reading of Bills—Author's Amendments

**Assembly Concurrent Resolution 13**—Relative to Girls and Women in Sports Week.

Resolution read second time.

**Assembly Concurrent Resolution 18**—Relative to Spay Day USA 2003.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Senate Chamber, February 21, 2003

Mr. President: The Committee on Rules has examined:

SCR 9

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 21st day of February, 2003, at 12:45 p.m.

BURTON, Chair

**REQUEST FOR UNANIMOUS CONSENT (ACR 18)**

Senator Romero asked for, and was granted, unanimous consent that ACR 18 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 18**

**Assembly Concurrent Resolution 18**—Relative to Spay Day USA 2003.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (ACR 25)**

Senator Ashburn asked for, and was granted, unanimous consent that ACR 25 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 25**

**Assembly Concurrent Resolution 25**—Relative to National Engineers Week.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Coauthors Added**

Without objection, all Senators voting “Aye” were added as coauthors to ACR 25.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (ACR 13)**

Senator Torlakson asked for, and was granted, unanimous consent that ACR 13 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 13**

**Assembly Concurrent Resolution 13**—Relative to Girls and Women in Sports Week.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Without objection, the following letter was printed in the Journal.

February 24, 2003

This is to clarify the intent of Senate Bill 950 (Chapter 944, Statutes of 2001).

SB 950 mandated that when any person becomes lawfully prohibited from possessing firearms (as a result of a felony conviction or for other statutorily defined reasons), the Department of Justice (DOJ) will determine if that person is entered in the automated firearms system indicating possession or ownership of a registered firearm. The DOJ would then notify the person of the requirement to relinquish the registered firearm.

SB 950 was not intended to be used by the Department or others as justification for expansion of the data base beyond those weapons currently subject to registration: handguns and assault weapons.

SB 950 only applies to the firearm categories that existed in the automated firearms system at the time of its enactment—handguns and

assault weapons. In fact, the possibility of registering long guns was discussed and rejected when SB 950 was before the legislature

It is also important to note that representatives of the Department, law enforcement, and firearms owners were included in these discussions and were clear regarding the intentions of SB 950.

Sincerely,

JAMES L. BRULTE  
Senate Republican Leader

#### **RECESS**

At 1:50 p.m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 2:30 p.m., the Senate reconvened.  
Hon. Dede Alpert, of the 39th District, presiding.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Johnson.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Scott.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 2:30 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, February 25, 2003.

Motion carried.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Joint Resolution 9:** By Senators Perata, Cedillo, and Romero (Coauthor: Assembly Member Hancock)—Relative to the California economy.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Jari Harris of Fullerton.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Barbara Mae Pizzi of Stockton.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Louis J. Costa of Santa Cruz.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Ernesto Wilson II of San Bernardino and Muhammad Jabbar of Sacramento.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Barbara Battaya and Margaret Pettigrew of So. San Francisco.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 25, 2003.

WALTER J. LITTLE, Minute Clerk

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## CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, February 25, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, McClintock,  
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,  
Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senators Johnson and Margett will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, February 24, 2003

The Committee on Rules has referred the following measures to committee:

**Business and Professions**—SB 165, SB 175, SB 252.

**Education**—SB 164, SB 187, SB 192, SB 198, SB 241, SB 242, SB 258,  
SB 259, SB 263, SB 272, SB 279.

**Elections and Reapportionment**—SB 240.

**Energy, Utilities and Communications**—SB 159, SB 168, SB 183,  
SB 185.

**Environmental Quality**—SB 181, SB 196, SB 202, SB 204, SB 208, SB 214.

**Governmental Organization**—SB 155.

**Health and Human Services**—SB 197, SB 211, SB 215, SB 231, SB 244, SB 267.

**Housing and Community Development**—SB 162.

**Insurance**—SB 174, SB 200, SB 212, SB 260, SB 261, SB 273.

**Judiciary**—SB 156, SB 166, SB 169, SB 178, SB 182, SB 199, SB 210, SB 220, SB 225, SB 237, SB 239, SB 254, SB 256, SB 262, SB 265, SB 283.

**Labor and Industrial Relations**—SB 158, SB 160, SB 176, SB 191, SB 223.

**Local Government**—SB 149, SB 163, SB 282.

**Natural Resources and Wildlife**—SB 216, SB 217, SB 218, SB 236, SB 245, SB 251, SB 281.

**Public Employment and Retirement**—SB 268, SB 270, SB 271, SB 274; SCR 11.

**Public Safety**—SB 161, SB 188, SB 190, SB 195, SB 206, SB 209, SB 213, SB 221, SB 222, SB 238, SB 255, SB 275, SB 276, SB 278.

**Revenue and Taxation**—SB 157, SB 180, SB 224, SB 227, SB 230.

**Rules**—SB 167, SB 170, SB 171, SB 177, SB 189, SB 193, SB 194, SB 205, SB 226, SB 228, SB 229, SB 235, SB 243, SB 246, SB 248, SB 249, SB 257, SB 264, SB 269, SB 277, SB 280.

**Transportation**—SB 232, SB 234, SB 247.

The Committee on Rules has referred the following measures to two committees:

**Energy, Utilities and Communications and Constitutional Amendments**—SCA 6.

**Energy, Utilities and Communications and Judiciary**—SB 173.

**Environmental Quality and Revenue and Taxation**—SB 203.

**Environmental Quality and Health and Human Services**—SB 201.

**Environmental Quality and Transportation**—SB 207.

**Health and Human Services and Public Safety**—SB 151, SB 250.

**Housing and Community Development and Revenue and Taxation**—SB 172.

**Judiciary and Public Safety**—SB 186, SB 219.

**Labor and Industrial Relations and Rules**—SB 179.

**Natural Resources and Wildlife and Judiciary**—SB 184.

**Natural Resources and Wildlife and Rules**—SB 233.

**Revenue and Taxation and Constitutional Amendments**—SCA 5.

**Committee on Appropriations**

Senate Chamber, February 21, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, February 24, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 38

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, February 24, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 94

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 272** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Appropriations**

**SB 94**—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**AB 38—Do pass as amended**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 2/24/03

Alpert (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to illness: Senators Johnson and Margett.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, February 26, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 26, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez,  
Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock,  
McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott,  
Sher, Soto, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

*(NOTE: Senators Oller and Speier will be excused this day on legislative business and Senators Bowen, Dunn, and Johnson will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 24, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 23

E. DOTSON WILSON, Chief Clerk of the Assembly

### FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 23**—Relative to Black History Month.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Constitutional Amendment 11:** By Senator Alarcón—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 1 of Article XIII A thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to infrastructure projects.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 1**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 94**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 38**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Oller and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen, Dunn, and Johnson.

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**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, February 27, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 27, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Senator McClintock moved a quorum call of the Senate.  
Motion carried.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

#### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Dunn will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*God of History, of All of Creation*, As we pause at the beginning of this day to give thanks for the many gifts we have received, we also pause to recognize the accomplishments of the African-American community during Black History Month. As we ponder the likes of Wilma Rudolph, the first American woman to win three Olympic gold metals, or Dr. Daniel Williams, the first surgeon to successfully perform open-heart surgery, or Shirley Chisolm, the first black woman to serve in the House of Representatives, or Thurgood Marshall, the first black Supreme Court justice, or Dorothy Dandridge, the first black woman to be nominated for an academy award, and as these icons are singled out, a few among many, we are called to rethink the idea of this great country as not so much a melting pot as a tossed salad where, rather than becoming like one another, each individual, race or culture is gifted to provide its unique flavors to a delicious wholeness, a wholeness known as “America”, still the dream of so many around the world. O Lord, as You have seen fit to create such diversity in the world and dare to call it Good, grant that we may be given the grace to set aside our prejudices and welcome one another as brothers and sisters, as one human family, sharing the love that is so freely given through Your example.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Machado led the Senate in the pledge of allegiance to the Flag.

**REQUEST FOR UNANIMOUS CONSENT (ACR 14)**

Senator Machado asked for, and was granted, unanimous consent that ACR 14 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 14**

**Assembly Concurrent Resolution 14**—Relative to a Day of Remembrance.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (ACR 23)**

Senator Murray asked for, and was granted, unanimous consent that ACR 23 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 23**

**Assembly Concurrent Resolution 23**—Relative to Black History Month.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 38**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Dunn.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 9:13 a.m., further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, March 3, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 27, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 13                      ACR 18                      ACR 25

E. DOTSON WILSON, Chief Clerk of the Assembly

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1038:** By the Committee on Budget and Fiscal Review—An act relating to education finance.

**Senate Bill 1039:** By the Committee on Budget and Fiscal Review—An act relating to education finance.

**Senate Bill 1040:** By the Committee on Budget and Fiscal Review—An act relating to Medi-Cal.

**Senate Bill 1041:** By the Committee on Budget and Fiscal Review—An act relating to health.

**Senate Bill 1042:** By the Committee on Budget and Fiscal Review—An act relating to public social services.

**Senate Bill 1043:** By the Committee on Budget and Fiscal Review—An act relating to public social services.

**Senate Bill 1044:** By the Committee on Budget and Fiscal Review—An act relating to developmental services.

**Senate Bill 1045:** By the Committee on Budget and Fiscal Review—An act relating to mental health.

**Senate Bill 1046:** By the Committee on Budget and Fiscal Review—An act relating to alcohol and drug programs.

**Senate Bill 1047:** By the Committee on Budget and Fiscal Review—An act relating to the Department of Fish and Game.

**Senate Bill 1048:** By the Committee on Budget and Fiscal Review—An act relating to the State Air Resources Board.

**Senate Bill 1049:** By the Committee on Budget and Fiscal Review—An act relating to pesticides.

**Senate Bill 1050:** By the Committee on Budget and Fiscal Review—An act relating to the Department of Water Resources.

**Senate Bill 1051:** By the Committee on Budget and Fiscal Review—An act relating to motor vehicles.

**Senate Bill 1052:** By the Committee on Budget and Fiscal Review—An act relating to transportation.

**Senate Bill 1053:** By the Committee on Budget and Fiscal Review—An act relating to transportation.

**Senate Bill 1054:** By the Committee on Budget and Fiscal Review—An act relating to juveniles.

**Senate Bill 1055:** By the Committee on Budget and Fiscal Review—An act relating to the Department of Corrections.

**Senate Bill 1056:** By the Committee on Budget and Fiscal Review—An act relating to administration of state government.

**Senate Bill 1057:** By the Committee on Budget and Fiscal Review—An act relating to trial court funding.

**Senate Bill 1058:** By the Committee on Budget and Fiscal Review—An act to amend Section 95 of the Revenue and Taxation Code, relating to local government finance.

**Senate Bill 1059:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 6105 of the Commercial Code, to amend Section 15606 of the Government Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Sections 256.6 and 276.5 to, the Revenue and Taxation Code, relating to property taxation.

**Senate Bill 1060:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 6405, 6459, 7093.5, 7326, 8105, 9271, 30459.1, 32471, 40211, 41171, 43522, 45867, 46622, 50156.11, 55332, 60022, 60507, 60604, 60606, and 60636 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1061:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 17076, 23041, and 25111 of, and to add Sections 17049, 18405.1, 25113, and 25116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1062:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 63.1, 69.5, 75.31, 155, 194, 218, 423, 439.2, 534, 1609.5, and 1841 of, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1063:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 1614 of, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1064:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 23701h and 23701x of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1065:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1066:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 23041 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1067:** By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 2205 and 5008.6 of the Corporations Code, relating to corporations.

**Senate Concurrent Resolution 13:** By Senators Figueroa, Alpert, Bowen, Ducheny, Escutia, Karnette, Kuehl, Ortiz, Romero, Soto, and Speier (Coauthors: Assembly Members Berg, Chan, Chu, Cohn, Corbett, Garcia, Goldberg, Shirley Horton, Jackson, Kehoe, Liu, Oropeza, Pavley, Reyes, Wiggins, and Wolk)—Relative to Women's History Month.

#### COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: January 14, 2003, relating to December 2002 lifer parole hearings was received from the Board of Prison Terms and transmitted to the Committee on Public Safety.

A report dated: January 27, 2003, relating to tenure and promotion decisions was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

The October quarterly report dated: January 29, 2003, relating to the Renewable Energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: January 30, 2003, relating to Lottery revenue receipts and expenditures was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 30, 2003, relating to the 2003–08 Capital Improvement program was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 31, 2003, relating to the State Fuel-Efficient Tire program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 3, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Student Aid Commission and transmitted to the Committee on Governmental Organization.

A report dated: February 3, 2003, relating to railroad safety was received from the Public Utilities Commission and transmitted to the Committee on Transportation.

A report dated: February 4, 2003, relating to tire fire smoke was received from the Office of Environmental Health Hazard Assessment and transmitted to the Committee on Environmental Quality.

A report dated: February 5, 2003, relating to property tax apportionments was received from the State Controller and transmitted to the Committee on Revenue and Taxation.

A report dated: February 6, 2003, relating to Implications of Future Oxides of Nitrogen Controls from Seasonal Sources in the San Joaquin Valley was received from the Air Resources Board and transmitted to the Committee on Environmental Quality.

The FY 2002 Comprehensive Financial report dated: February 7, 2003, was received from the State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: February 7, 2003, relating to the timely resolution of proceedings and commissioner presence at hearings was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 7, 2003, relating to audit backlog was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 7, 2003, relating to railroad corporation fee expenditure was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 10, 2003, relating to Strategic Conservation Investments: Revised Methodology was received from the Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 10, 2003, relating to the State Water Project annual inspection was received from the California Water Commission and transmitted to the Committee on Agriculture and Water Resources.

An independent auditor's FY2002 report dated: February 13, 2003, relating to basic financial statements of the State of California was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: February 13, 2003, relating to statewide employment in manufacturing (minus the aerospace industries) was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

A report dated: February 20, 2003, relating to driver distraction and inattention was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: February 26, 2003, relating to the Mediterranean Fruit Fly Exclusion program was received from the Department of Food and Agriculture and transmitted to the Committee on Agriculture and Water Resources.

An audit report dated: February 27, 2003, relating to the statewide information technology program was received from the State Auditor and transmitted to the Committee on Rules.

A report relating to 2002–03 tax expenditures was received from the Department of Finance and transmitted to the Committee on Revenue and Taxation.

A report relating to the HIV—Early Intervention program was received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Lee Reinke Bright of Long Beach.

Senator Cedillo requested that when the Senate adjourns this day it do so in memory of Mrs. Jill Farkas of Pasadena.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Consuelo G. Diaz of Ceres.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Clara Hobbs of Quartz Hill.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of noted television personality Fred Rogers of "Mister Rogers' Neighborhood".

Senator Machado requested that when the Senate adjourns this day it do so in memory of Richard G. Klein of Stockton.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Sam Karas of Monterey.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Samuel Jeffrey Boghosian of Fresno.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Reta Isbell of Tyler, Texas.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, March 3, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
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# SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, March 3, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton,  
Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth,  
Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock,  
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,  
Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.  
Quorum present.

*(NOTE: Senators Brulte and Florez will be excused this day due to illness and Senator Denham will be excused this day due to jury duty.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Let us take care of the children, Lord, for they have a long way to go.

Let us take care of the elderly, Lord, for they have come a long way.

Let us take care of those in between, Lord, for they are doing all the work.—AMEN.

(African prayer, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Oller led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

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E. DOTSON WILSON, Chief Clerk of the Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Local Government**

Senate Chamber, March 3, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 109

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 109**—An act to amend Section 33080.8 of the Health and Safety Code, relating to redevelopment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Senator Alpert Presiding****CONSIDERATION OF DAILY FILE****THIRD READING OF SENATE BILLS**

**Senate Bill 94**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa,

Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 1**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ackerman, Hollingsworth, Johnson, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**RECESS**

At 2:05 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 2:06 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Florez.

The following Senator was granted leave of absence for the day due to jury duty: Senator Denham.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 2:06 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, March 4, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 27, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 24

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 24**—Relative to Blue Star Families Week.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1068:** By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to amend Section 12463 of the Government Code, relating to the Controller.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Johny Carpenter of North Hollywood.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Raul “Rudy” Rodriguez of Carson.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Ruth French Chapman of Chula Vista.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Jack Jones of Pomona.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of James J. Cordano, Sr. of Sacramento.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Martha and Winston Honeychurch of Orinda.

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**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 4, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, March 4, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton,  
Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth,  
Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock,  
McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott,  
Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

*(NOTE: Senators Alarcón, Cedillo, and Murray will be excused this day on legislative business and Senators Brulte and Figueroa will be excused this day due to illness.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 41

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 41**—Relative to the California Tow Truck Association.

**REPORTS OF STANDING COMMITTEES****Committee on Insurance**

Senate Chamber, March 4, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 64

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 64**—An act to amend Sections 790.03 and 791.12 of the Insurance Code, relating to homeowners' insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Joint Resolution 10:** By Senator Soto—Relative to Medicare prescription drug coverage.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Cedillo, and Murray.

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Figueroa.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until, Wednesday, March 5, 2003 at 9 a.m.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, March 5, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian,  
Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

*(NOTE: Senators Kuehl and Oller will be excused this day on legislative business and Senators Alpert and Sher will be excused this day due to illness.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Local Government**

Date of Hearing, March 5, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 109

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 5, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 66

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 5, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 61

SB 62

SB 63

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Joint Resolution 11:** By Senator Alpert—Relative to special education funding.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Local Government**

**SB 61**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 62**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 63**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 66**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 83**—Do pass as amended

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**SB 109**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/5/03

Torlakson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Kuehl and Oller.

The following Senators were granted leaves of absence for the day due to illness: Senators Alpert and Sher.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Mary Margaret Bates of Laguna Hills.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Willie B. Garrett of San Bernardino.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, March 6, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, March 6, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Alpert will be excused this day due to family illness.)*

### PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord,* Let the effect of Your blessing remain with Your servants to give them new life and strength of spirit so that the power of Your love will enable them to accomplish what is right and good. For this we pray.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Romero led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, March 5, 2003

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Michael Peevey, Member, Public Utilities Commission (4-0)

BURTON, Chair

Above appointment ordered placed on unfinished business file.

**REQUEST FOR UNANIMOUS CONSENT (ACR 15)**

Senator Ortiz asked for, and was granted, unanimous consent that ACR 15 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 15**

**Assembly Concurrent Resolution 15**—Relative to Colorectal Cancer Awareness Month.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (ACR 24)**

Senator Margett asked for, and was granted, unanimous consent that ACR 24 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 24**

**Assembly Concurrent Resolution 24**—Relative to Blue Star Families Week.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,

Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

#### **REQUEST TO INTRODUCE BILL AFTER THE DEADLINE**

Senate Chamber, February 27, 2003

The following request was presented by Senator Chesbro:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce bills (Legislative Counsel Requests 3-7717 and 3-07692) after the deadline.

SENATOR CHESBRO

#### **Permission of Rules Committee**

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1069:** By Senator Chesbro—An act to amend Section 93011 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1070:** By Senator Chesbro—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

**Senate Concurrent Resolution 14:** By Senator McPherson—Relative to arthritis awareness.

**Senate Joint Resolution 12:** By Senator Denham (Principal coauthors: Assembly Members Garcia, Maldonado, and Pacheco) (Coauthors: Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian) (Coauthors: Assembly Members Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Cox, Dutton, Haynes, Shirley Horton, Houston, Keene, La Malfa, La Suer, Leslie, Maddox, Maze, McCarthy, Mountjoy, Nakanishi, Plescia, Richman, Runner, Samuelian, Spitzer, Strickland, and Wyland)—Relative to the judicial nomination of Miguel Estrada.

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN  
30 CALENDAR DAYS**

The following request was presented by Senator Chesbro:

Senate Chamber, February 27, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1069** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR CHESBRO

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE  
CONSTITUTION AND SUSPEND JOINT RULE 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.  
NOES (0)—None.

**REQUEST FOR UNANIMOUS CONSENT (ACR 1)**

Senator Kuehl asked for, and was granted, unanimous consent that ACR 1 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 1**

**Assembly Concurrent Resolution 1**—Relative to California Holocaust Memorial Week.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz,

Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**Request for Unanimous Consent**

Senator Kuehl asked for, and was granted, unanimous consent that all members be added as coauthors to ACR 1.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 61**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 62**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 63**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read second time, ordered engrossed, and to Consent Calendar.

**RECESS**

At 8:50 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 8:50 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to family illness: Senator Alpert.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:24 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to

conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, March 10, 2003.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 6, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 94

AB 182

Assembly Chamber, March 6, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 45

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 94**—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

**Assembly Bill 182**—An act to amend Sections 681.030, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend Section 17409 of the Welfare and Institutions Code, relating to exempt property.

**Assembly Concurrent Resolution 45**—Relative to American Heart Month.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

State Capitol, March 5, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—SB 312, SB 318, SB 479, SB 486, SB 543, SB 565, SB 603, SB 633, SB 642, SB 654, SB 658.

**Banking, Commerce and International Trade**—SB 374, SB 395.

**Business and Professions**—SB 292, SB 358, SB 360, SB 361, SB 362, SB 363, SB 376, SB 393, SB 485, SB 506, SB 671.

**Education**—SB 332, SB 336, SB 346, SB 355, SB 371, SB 373, SB 383, SB 384, SB 409, SB 452, SB 460, SB 468, SB 469, SB 470, SB 471, SB 481, SB 484, SB 495, SB 524, SB 525, SB 550, SB 560, SB 571, SB 575, SB 588, SB 592, SB 611, SB 628, SB 636, SB 644, SB 651, SB 662, SB 674, SB 677, SB 678, SB 680, SB 683, SB 687, SB 696.

**Elections and Reapportionment**—SB 348, SB 430, SB 467, SB 530, SB 539, SB 548, SB 589, SB 604, SB 610, SB 613, SB 641.

**Energy, Utilities and Communications**—SB 310, SB 396, SB 419, SB 429, SB 520, SB 521, SB 659, SB 697.

**Environmental Quality**—SB 288, SB 304, SB 311, SB 334, SB 511, SB 517, SB 532, SB 537, SB 559, SB 568, SB 645, SB 646, SB 647, SB 656.

**Governmental Organization**—SB 296, SB 301, SB 329, SB 351, SB 405, SB 456, SB 499, SB 527, SB 562, SB 605, SB 621, SB 690.

**Health and Human Services**—SB 308, SB 322, SB 323, SB 370, SB 377, SB 379, SB 413, SB 464, SB 475, SB 476, SB 528, SB 536, SB 540, SB 635, SB 664, SB 679, SB 689, SB 693.

**Housing and Community Development**—SB 289, SB 305, SB 306, SB 353, SB 477, SB 491, SB 492, SB 538, SB 558, SB 596, SB 639.

**Insurance**—SB 344, SB 551, SB 580, SB 581, SB 582, SB 608, SB 618, SB 667, SB 673, SB 691.

**Judiciary**—SB 294, SB 302, SB 307, SB 324, SB 328, SB 333, SB 335, SB 339, SB 343, SB 345, SB 399, SB 449, SB 455, SB 458, SB 466, SB 488, SB 494, SB 505, SB 507, SB 515, SB 583, SB 590, SB 598, SB 600, SB 648, SB 653, SB 655, SB 660.

**Labor and Industrial Relations**—SB 365, SB 366, SB 390, SB 414, SB 457, SB 478, SB 534, SB 535, SB 569, SB 573, SB 576, SB 586, SB 661.

**Local Government**—SB 293, SB 303, SB 321, SB 341, SB 391, SB 392, SB 407, SB 410, SB 446, SB 465, SB 487, SB 526, SB 529, SB 634, SB 699.

**Natural Resources and Wildlife**—SB 297, SB 309, SB 317, SB 412, SB 418, SB 445, SB 554, SB 572, SB 607, SB 623, SB 649, SB 657, SB 681, SB 694; SJR 8.

**Public Employment and Retirement**—SB 436, SB 437, SB 438, SB 439, SB 440, SB 441, SB 461, SB 574, SB 579, SB 624, SB 625, SB 626, SB 627.

**Public Safety**—SB 284, SB 299, SB 300, SB 316, SB 327, SB 337, SB 356, SB 381, SB 404, SB 408, SB 416, SB 421, SB 422, SB 423, SB 424, SB 425, SB 435, SB 442, SB 450, SB 459, SB 514, SB 519, SB 549, SB 567, SB 587, SB 631, SB 638.

**Revenue and Taxation**—SB 330, SB 400, SB 402, SB 417, SB 451, SB 454, SB 516, SB 566, SB 593, SB 614, SB 615, SB 616, SB 622, SB 670, SB 672.

**Rules**—SB 286, SB 287, SB 290, SB 298, SB 313, SB 319, SB 320, SB 331, SB 338, SB 347, SB 357, SB 368, SB 375, SB 386, SB 387, SB 388, SB 389, SB 397, SB 426, SB 427, SB 428, SB 431, SB 432, SB 433, SB 444, SB 447, SB 453, SB 463, SB 480, SB 482, SB 483, SB 493, SB 497, SB 498, SB 500, SB 501, SB 502, SB 508, SB 510, SB 512, SB 513, SB 522, SB 523, SB 546, SB 547, SB 553, SB 556, SB 585, SB 591, SB 594, SB 595, SB 597, SB 599, SB 601, SB 620, SB 632, SB 650, SB 668, SB 669, SB 682, SB 684, SB 686, SB 688, SB 692, SB 698.

**Transportation**—SB 314, SB 315, SB 349, SB 367, SB 378, SB 380, SB 406, SB 509, SB 552, SB 555, SB 612, SB 630, SB 637, SB 675, SB 685, SJR 7.

**Veterans Affairs**—SB 369, SB 385.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources and Environmental Quality**—SB 533.

**Agriculture and Water Resources and Rules**—SB 350.

**Business and Professions and Rules**—SB 359.

**Education and Environmental Quality**—SB 352.

**Education and Health and Human Services**—SB 472, SB 473, SB 606.

**Education and Judiciary**—SB 266.

**Elections and Reapportionment and Revenue and Taxation**—SB 448.

**Energy, Utilities and Communications and Judiciary**—SB 666.

**Environmental Quality and Judiciary**—SB 503.

**Environmental Quality and Rules**—SB 531.

**Governmental Organization and Constitutional Amendments**—SCA 9.

**Governmental Organization and Judiciary**—SB 640.

**Health and Human Services and Judiciary**—SB 326, SB 372, SB 420, SB 577, SB 617.

**Health and Human Services and Labor and Industrial Relations**—SB 629.

**Health and Human Services and Public Safety**—SB 382, SB 474.

**Health and Human Services and Revenue and Taxation**—SB 676.

**Health and Human Services and Rules**—SB 340.

**Housing and Community Development and Rules**—SB 619.  
**Insurance and Labor and Industrial Relations**—SB 354.  
**Judiciary and Education**—SB 394.  
**Judiciary and Public Safety**—SB 434, SB 602.  
**Judiciary and Rules**—SB 695.  
**Labor and Industrial Relations and Education**—SB 253.  
**Natural Resources and Wildlife and Revenue and Taxation**—SB 557.  
**Public Safety and Constitutional Amendments**—SCA 8.  
**Public Safety and Judiciary**—SB 325, SB 609.  
**Public Safety and Rules**—SB 401, SB 462.  
**Revenue and Taxation and Judiciary**—SB 285, SB 663.  
**Transportation and Constitutional Amendments**—SCA 7.  
**Transportation and Revenue and Taxation**—SB 403, SB 541.  
**Transportation and Rules**—SB 504.  
**Veterans Affairs and Judiciary**—SB 544.

The Committee on Rules has re-referred the following measure to committee:

**Public Employment and Retirement**—SB 272.

State Capitol, March 5, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Ann Nguyen of Sacramento as a member of the Commission on Asian and Pacific Islander American Affairs to serve for a term ending January 1, 2005.

Appointed Mr. Jeffrey Morgan of Palm Springs as a member of the Coachella Valley Mountains Conservancy Governing Board to serve for a term ending March 5, 2005.

Appointed Mr. Mark Johannessen of West Sacramento as a member of the Senate Advisory Commission on Cost Control in State Government to serve at the pleasure of the Rules Committee.

Appointed Ms. Sarah Tom of Berkeley as a member of the California Governor's Committee on Employment of People with Disabilities to serve at the pleasure of the Rules Committee.

Reappointed Ms. Joan A. Quinn of Beverly Hills as a member of California Film Commission to serve for a two-year term at the pleasure of the Rules Committee.

Reappointed Ms. Penney J. Perez of Pacific Palisades as a member of the Commission on Judicial Performance to serve for a term ending March 1, 2007.

Appointed Mr. Bob Giroux of Sacramento as a member of the High-Speed Rail Authority to serve for a term ending December 31, 2006.

The Senate Rules Committee has appointed Senator Hollingsworth as a member of the Select Committee on Genetics, Genetic Technologies and Public Policy to replace Senator Johnson.

The Senate Rules Committee has appointed Senators Ashburn and Margett as members of the Select Committee on the Oversight of the Department of Energy Laboratories Operated by the UC to fill the two remaining vacancies.

BURTON, Chair

#### **Committee on Health and Human Services**

Senate Chamber, March 6, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SJR 3

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Joint Resolution 3**—Relative to the Temporary Assistance for Needy Families (TANF) program.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Senate Chamber, March 6, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 113

SB 116

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 113**—An act to amend Section 1281.5 of the Code of Civil Procedure, relating to mechanic’s liens.

Bill read second time.

**Senate Bill 116**—An act to amend Section 798.51 of the Civil Code, relating to mobilehome parks.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 6, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 60

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 60**—An act relating to public safety.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 5, 2003

Mr. President: The Committee on Rules, to which was referred:

SR 8

Reports the same back with the recommendation: Be adopted.

BURTON, Chair

Above resolution ordered to third reading.

State Capitol, March 5, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Lori Di Carlo, Warden, California Institution for Men, Chino (5–0)

Catherine A. Kay, Member, Board of Behavioral Sciences (5–0)

Peter G. Manoleas, Member, Board of Behavioral Sciences (5–0)

Jane Nathanson, Member, Board of Behavioral Sciences (5–0)

Karen B. Pines, Member, Board of Behavioral Sciences (5–0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Transportation**

Date of Hearing, March 6, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 104

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, March 6, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 25

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 25**—An act to amend Sections 1785.11.1 and 1798.85 of the Civil Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 11:** By Senator Chesbro—Relative to Cover the Uninsured.

**SENATE COMMITTEE ROLL CALLS****Committee on Rules**

**SR 8**—Be adopted

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 3/5/03

Burton (Chair)

**Committee on Transportation**

**SB 104**—Do pass

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/6/03

Murray (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of George Kaneno of Sacramento.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Sybil Nye Crookham of Atwater and Robert B. Harvey of Merced.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Floyd "Red" Stewart of Lakewood.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Gerald Gentry of Washington, D.C.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Alfred T. Quinn, Ph.D., of Santa Monica.

Senators Kuehl and McPherson requested that when the Senate adjourns this day it do so in memory of Kristine Louise Johnson of Santa Monica.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Clara Crook of Burlingame.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Clara Regalia of Stockton.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Shirley Rooney of Folsom.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Thomas House of Orange.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Ruth Bedoian and Badaskan Sarabian of Sanger and Donald Cobb of Madera.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, March 10, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, March 10, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—37.  
Quorum present.

*(NOTE: Senator Margett will be excused this day due to a family illness and Senators Perata and Speier will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Oh Great Spirit of Surprises, Dazzle us, we pray, with days filled with amazing embraces, capricious, uncalculated caring, great hearts, and kind souls that we may be "Doers of good deeds".*

(Molly Fumia, adopted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Cedillo led the Senate in the pledge of allegiance to the Flag.

**Senator Bowen Presiding****REPORTS OF STANDING COMMITTEES****Committee on Education**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

SB 81

SB 145

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 81**—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

Bill read second time.

**Senate Bill 145**—An act to amend Section 56506 of the Education Code, relating to special education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 24

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 24**—An act to add Article 1.5 (commencing with Section 14045) and Article 1.6 (commencing with Section 14046) to Chapter 7 of

Part 3 of Division 9 of the Welfare and Institutions Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 8

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 8**—An act to add Article 10 (commencing with Section 4760) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 80

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 80**—An act to add Section 17204.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 128

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 128**—An act to add Section 2899 to the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 382** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Public Safety.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 104**—An act to amend Section 384 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN  
30 CALENDAR DAYS**

The following request was presented by Senator Burton:

Senate Chamber, March 10, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 459** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR BURTON

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE  
CONSTITUTION AND SUSPEND JOINT RULE 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 459 to be heard in the Committee on Public Safety on March 13 without four days notice in the file.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Michael Peevey, Member, Public Utilities Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Battin, Denham, and McClintock.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Lori Di Carlo, Warden, California Institution for Men, Chino.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl,

Machado, McPherson, Morrow, Murray, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Appointments by the Governor**  
**Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Jane Nathanson, Member, Board of Behavioral Sciences  
be taken up separately.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Catherine A. Kay, Member, Board of Behavioral Sciences;  
Peter G. Manoleas, Member, Board of Behavioral Sciences;  
Karen B. Pines, Member, Board of Behavioral Sciences.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Jane Nathanson, Member, Board of Behavioral Sciences.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**REQUEST FOR UNANIMOUS CONSENT (SR 11)**

Senator Chesbro asked for, and was granted, unanimous consent that SR 11 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Resolution 11**

**Senate Resolution 11**—Relative to Cover the Uninsured.

Resolution read and adopted on motion of Senator Chesbro.

**Request for Unanimous Consent**

Senator Chesbro asked for, and was granted, unanimous consent that all members be added as coauthors to SR 11.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS**

**Senate Resolution 8**—Relative to Senate Rule 22.5 of the Standing Rules of the Senate for the 2003–04 Regular Session.

**Bill Introduction Limitation**

22.5(a) A Member of the Senate may introduce not more than 65 50 bills in the regular session.

Resolution read and presented by Senator Vincent.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Request for Unanimous Consent**

Senator Vincent asked for, and was granted, unanimous consent that Senators Denham, Kuehl, Ortiz and Vasconcellos be added as coauthors to SR 8.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **SB 104** was re-referred to the Committee on Appropriations.

**RECESS**

At 2:20 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 2:20 p.m., the Senate reconvened.

Hon. Debra Bowen, of the 28th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to a family illness: Senator Margett.

The following Senators were granted leaves of absence for the day due to illness: Senators Perata and Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 2:21 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, March 11, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Transportation, to which was referred:

SCR 3

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 3**—Relative to the Rosa Parks Freeway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 459

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 459**—An act to amend Sections 731, 779, 780, 1000.7, 1009, 1177, 1178, 1179, 1703, 1712, 1714, 1732.8, 1737, 1737.1, 1752.82, 1754, 1757, 1760, 1765, 1766, 1766.1, 1767.1, 1767.3, 1767.4, 1767.5,

1768.10, 1772, 1778, 1780, 1781, 1800, 1802, and 1830 of, to add Section 1731.8 to, to repeal Section 1176 of, and to repeal Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, the Welfare and Institutions Code, relating to juvenile offenders, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 108

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 108**—An act to add Section 23335 to the Business and Professions Code, and to add Chapter 13 (commencing with Section 1900) to Division 2.5 of the Health and Safety Code, relating to emergency medical services, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 104

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 10, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SCR 8

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 8**—Relative to Child Abuse Prevention Month.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, March 5, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 83

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Shirley Beach of Brea.

Senators Burton and Aanestad requested that when the Senate adjourns this day it do so in memory of Merris Ingram of Grass Valley.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Dorothy "Joy" Badger of Santa Cruz.

Senator Sher requested that when the Senate adjourns this day it do so in memory of Dr. Joe Davis of Santa Rosa.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Mrs. Sherry Armitage and Fred Bissinger of Sacramento.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 11, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, March 11, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Sher, Soto, Torlakson, Vasconcellos, and  
Vincent—37.

Quorum present.

*(NOTE: Senators Florez, Scott, and Speier will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 10, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 6

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Joint Resolution 6**—Relative to Korean immigrants.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, March 11, 2003

The Committee on Rules has referred the following measure to committee:

**Rules**—SB 1070.

**Committee on Public Safety**

Senate Chamber, March 11, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 132

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 132**—An act to amend Section 23550.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 11, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 86

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Education**

Senate Chamber, March 11, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 15

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 15**—An act to amend Sections 17078.52, 17078.54, 17078.58, and 17078.62 of, and to repeal Section 17078.50 of, the Education Code, relating to education facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 104**—An act to amend Section 384 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 83**—An act to amend Sections 53750 and 54984.7 of the Government Code, relating to local agency assessments.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

**REQUEST TO INTRODUCE BILL AFTER THE DEADLINE**

Senate Chamber, February 27, 2003

The following request was presented by Senator Vincent:

To the Committee on Rules: In accordance with the provisions of Senate Rule 54(a), I request permission to introduce a bill (Legislative Counsel Request 3-2317): SB 1071, after the deadline.

SENATOR VINCENT

**Permission of Rules Committee**

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1071:** By Senator Vincent—An act to add Section 2403 to the Business and Professions Code, relating to medicine.

**Senate Concurrent Resolution 15:** By Senator Ortiz—Relative to Save Your Vision Month.

**SENATE COMMITTEE ROLL CALLS****Committee on Natural Resources and Wildlife**

**SB 86**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 89**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Denham, Hollingsworth, Kuehl, Oller, and Sher.  
NOES (0)—None.

**SJR 5**—Be adopted as amended

AYES (5)—Senators Alpert, Kuehl, Ortiz, Sher, and Torlakson.  
NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 3/11/03

Kuehl (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez, Scott, and Speier.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Karnette requested that when the Senate adjourns this day it do so in memory of William M. Ramsell of Long Beach.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, March 12, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, March 12, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz,  
Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and  
Vincent—38.

Quorum present.

*(NOTE: Senator Speier will be excused this day on legislative business and  
Senator Perata will be excused this day due to illness.)*

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
March 12, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Barbara George, served since 6/94; reappointed 2/27/03. Effective 3/10/03:

Member, California Arts Council, term ending 1/1/07.

Carol S. Katzman, education consultant. Appointed 3/11/03. Effective 3/12/03:

Member, State Board of Education vice Vicki L. Reynolds, resigned, term ending 1/15/07.

Catherine T. Campisi, Director, Department of Rehabilitation. Appointed 2/28/03. Effective 2/28/03.

Member, Medical Board of California, Division of Medical Quality, newly created 2002 Legislation, term ending 6/1/06.

Julian C. Isham, mining engineer. Appointed 2/27/03. Effective 3/10/03:

Member, State Mining and Geology Board vice Robert R. Munro, term expired, term ending 1/15/05.

Larry E. Fanning, an engineering-geologist. Appointed 2/27/03. Effective 3/10/03:

Member, State Mining and Geology Board vice Donna M. Thompson, resigned, term ending 1/15/04.

Arthur G. Baggett, served since 5/14/99; reappointed 3/4/03. Effective 3/4/03:

Member, State Water Resources Control Board, term ending 1/15/07.

A. John Shimmon, former deputy to the Chairman of the Board of Equalization. Appointed 2/27/03. Effective 3/2/03:

Commissioner, Workers' Compensation Appeals Board vice Jane Shuttleworth Wiegand, withdrawn from the Senate, term ending six years from date of second commission.

Above appointments referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health and Human Services**

Senate Chamber, March 12, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 108

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair



**Senate Bill 459**—An act to amend Sections 731, 779, 780, 1000.7, 1009, 1176, 1177, 1178, 1179, 1703, 1712, 1714, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1725, 1726, 1732.8, 1737, 1737.1, 1752.82, 1754, 1757, 1760, 1765, 1766, 1766.1, 1767.1, 1767.3, 1767.4, 1767.5, 1768.10, 1772, 1778, 1780, 1781, 1800, 1802, and 1830 of, to add Section 1731.8 to, and to repeal Sections 1724 and 1727 of, the Welfare and Institutions Code, relating to juvenile offenders, making an appropriation therefor, to take effect immediately, as an appropriation for the usual and current expenses of the state.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Governmental Organization**

Senate Chamber, March 12, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 88

SJR 6

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

**Senate Joint Resolution 6**—Relative to emergency services.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, March 12, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 7

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 7**—An act to amend Sections 46112, 48000, and 48200 of, to add Sections 46112.1, 48000.1, and 48200.1 to, and to add Article 6.5 (commencing with Section 8234.10) to Chapter 2 of Part 6 of, the

Education Code, relating to children, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Constitutional Amendments**

Date of Hearing, March 12, 2003

Mr. President: The Committee on Constitutional Amendments, to which was referred:

SCA 2

Reports the same back with the recommendation: Be adopted.

POOCHIGIAN, Chair

Above resolution ordered to second reading.

#### **Committee on Public Employment and Retirement**

Senate Chamber, March 12, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 99

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 99**—An act to add Section 10205.1 to the Government Code, relating to the Legislative Counsel Bureau.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: January 10, 2003, relating to earthquake risk reduction activities was received from the Seismic Safety Commission and transmitted to the Committee on Governmental Organization.

A report dated: February 14, 2003, relating to boat paint used in San Diego Bay was received from the San Diego Advisory Committee for Environmentally Superior Antifouling Paints and transmitted to the Committee on Environmental Quality.

A report dated: February 19, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: February 20, 2003, relating to first-time freshman basic skills proficiency was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 20, 2003, relating to the Statewide Automated Welfare System Consortium IV was received from the Health and Human Services Agency Data Center and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 20, 2003, relating to the Early State program was received from the Department of Developmental Services and transmitted to the Committee on Health and Human Services.

A report dated: February 24, 2003, relating to the Statewide System of School Support program was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February, 24, 2003, relating to mentally ill offenders was received from the Youth and Adult Correctional Agency and transmitted to the Committee on Public Safety.

A report dated: February 25, 2003, relating to school districts with Emergency Support Loans was received from the Department of Education and transmitted to the Committee on Education.

A report dated: February 25, 2003, relating to Energy Project Benefit Sharing was received from the Department of General Services and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 25, 2003, relating to the Rural Telecommunications Infrastructure Grant program was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 26, 2003, relating to findings, recommendations and actions taken due to audits and investigations issued from 1/30/01 to 1/2/03 was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: February 27, 2003, relating to the DUI Management Information System was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation.

A report dated: February 27, 2003, relating to Ballast Water Management for the Control of Nonindigenous Species was received from the State Lands Commission and transmitted to the Committee on Agriculture and Water Resources.

A report dated: February 27, 2003, relating to operation comparison of regional center employment opportunities between the Department of Rehabilitation and the Department of Developmental Services was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 27, 2003, relating to the October 2002 Unemployment Insurance Fund Forecast was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

A report dated: February 28, 2003, relating to the Pilot Mediation program was received from the Department of Fair Employment and Housing and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 28, 2003, relating to Telecommunications Competition in California was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 28, 2003, relating to the Lawyer Assistance program was received from the State Bar of California and transmitted to the Committee on Business and Professions.

A report dated: February 28, 2003, relating to the State's Discrimination Complaint process was received from the State Personnel Board and transmitted to the Committee on Governmental Organization.

The May 2001 quarterly report dated: February 28, 2003, relating to the Energy Efficiency and Low-Income programs was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 28, 2003, relating to the Office of Ratepayer Advocates: Budget and Staff was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 28, 2003, relating to the Hazardous Substance Cleanup Bond Funds was received from the Department of Toxic Substances Control and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 28, 2003, relating to Title II of the federal Workforce Investment Act was received from the Department of Education and transmitted to the Committee on Education.

A report dated: March 3, 2003, relating to data used in P-1 Principal Apportionment was received from the Department of Education and transmitted to the Committee on Education.

A report dated: March 3, 2003, relating to the Use of Motor Vehicle Fuel Account and Harbors and Watercraft Revolving Fund was received from the Department of Parks and Recreation and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 3, 2003, relating to the annual certification of the Taxpayers' Bill of Rights was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

A report dated: March 4, 2003, relating to whistleblower retaliation complaints was received from the State Personnel Board and transmitted to the Committee on Governmental Organization.

A report dated: March 4, 2003, relating to the California Long Term Care Council was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: March 4, 2003, relating to the Dental Board's Enforcement program was received from the State and Consumer Services Agency, Division of Legislative and Regulatory Review and transmitted to the Committee on Business and Professions.

A report dated: March 5, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Public Utilities Commission and transmitted to the Committee on Governmental Organization.

The January 2003 quarterly report dated: March 6, 2003, relating to the Capitol Area East End Complex was received from the Department of General Services and transmitted to the Committee on Rules.

A report dated: March 6, 2003, relating to the activities of the Division of Occupational Safety and Health was received from the Department of Industrial Relations and transmitted to the Committee on Rules.

The October 2002 quarterly report dated: March 6, 2003, relating to MTBE use in gasoline was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A report dated: March 6, 2003, relating to Family Law Information Centers pilot projects was received from the Judicial Council and transmitted to the Committee on Judiciary.

A report dated: March 7, 2003, relating to Local Corrections in California was received from the Board of Corrections and transmitted to the Committee on Judiciary.

A report dated: March 7, 2003, relating to water quality programs was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

An audit report dated: March 11, 2003, relating to the California State University's Common Management System was received from the State Auditor and transmitted to the Committee on Rules.

### **SENATE COMMITTEE ROLL CALLS**

#### **Committee on Constitutional Amendments**

**SCA 2**—Be adopted

AYES (3)—Senators Bowen, Burton, and Escutia.

NOES (2)—Senators McClintock and Poochigian.

Date of Hearing: 3/12/03

Poochigian (Chair)

#### **Committee on Education**

**SB 45**—Do pass

AYES (9)—Senators Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (2)—Senators Knight and McPherson.

**SB 145**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SCR 5**—Be adopted, to Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 3/12/03

Vasconcellos (Chair)

#### **Committee on Health and Human Services**

**SB 36**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 120**—Do pass as amended and re-refer to Committee on Housing and Community Development

AYES (9)—Senators Aanestad, Ashburn, Battin, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (0)—None.

**SB 143**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SJR 3—Be adopted**

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

Date of Hearing: 3/12/03

Ortiz (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Perata.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 8:30 a.m., Thursday, March 13, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, March 13, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

*(NOTE: Senators Dunn and Speier will be excused this day on legislative business and Senators Ortiz and Perata will be excused this day due to illness.)*

### PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

To You, O Lord, we extend our most joyful gratitude for the miracle of the safe return of Elizabeth Smart to her family. As we give thanks, we pray for all the children of the world who are shackled by physical, spiritual, or emotional bondage that they too might be found and freed by those who care. For it is in saving the children that we save ourselves, our future. To You, and for the children, we pray and give thanks.—AMEN.

### PLEDGE OF ALLEGIANCE TO THE FLAG

Senator McClintock led the Senate in the pledge of allegiance to the Flag.

### REQUESTS TO CONSIDER AND ACT ON BILLS WITHIN 30 CALENDAR DAYS

The following request was presented by Senator Knight:

Senate Chamber, March 13, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 878** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR KNIGHT

The following request was presented by Senator Chesbro:

Senate Chamber, March 13, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1070** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR CHESBRO

### Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

### RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION AND SUSPEND JOINT RULE 55

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measures may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

### Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett,

McClintock, McPherson, Murray, Oller, Poochigian, Romero, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Chesbro:

*Resolved*, That SB 1070 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read and presented by Senator Chesbro.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Poochigian, Romero, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Rules**

Senate Chamber, March 13, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 1070

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1070**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 12, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 36

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 12, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SJR 3

Reports the same back with the recommendation: Be adopted.

ORTIZ, Chair

Above resolution ordered to third reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 45**—An act to amend Section 44830 of the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Senate Concurrent Resolution 5**—Relative to visual and performing arts education.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Senate Constitutional Amendment 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XI thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to local development.

Resolution read second time, ordered engrossed, and to third reading.

**UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Without objection, the following was printed in the Journal.

EULOGY TO VINCENT MONTANE

REMARKS BY SENATOR MCCLINTOCK

Mr. President: I regret to inform the Senate that Vincent Montane, the Director of Public Relations and Communications for the California

State Lottery succumbed on Tuesday to injuries he had suffered in a tragic traffic accident less than a block from his home.

He had faithfully served the people of California for 25 years, including in the State Senate as chief of staff for Senator Alquist.

The best way I can describe Vince for those who don't know him involves an incident about a year ago when the Lottery was accused of continuing to sell lottery tickets after the winning ticket had been issued. I was waiting to go on the air when the host announced that he had Vince Montane with the Lottery Commission on the line and was about to lambaste him.

The first thing Vince said was, "This was a terrible, terrible mistake. There's no excuse for it. We are going to make it up to every one of the people who bought tickets and we're going to make very sure that this never, ever happens again."

And, I might add, the Lottery made good on that vow.

It was the shortest scandal in state history because we had a man with the integrity, the forthrightness and the decency of Vince Montane.

His untimely death leaves his 11-year-old son, Jeffrey, fatherless. It is a great loss to the state and an incalculable loss to his family and our hearts go out to them.

Senator Oller joins me in requesting that when the Senate adjourns today, it do so in memory of Vincent Montane.

#### **Senator Burton Presiding**

#### **REQUEST FOR UNANIMOUS CONSENT (SB 1070)**

Senator Chesbro asked for, and was granted, unanimous consent that SB 1070 be withdrawn from committee and taken up at this time, without reference to file.

#### **Consideration of Senate Bill 1070**

**Senate Bill 1070**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time and presented by Senator Chesbro.

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

#### **RECESS**

At 9:06 a.m., on motion of Senator Burton the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 9:12 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 1070)**

On motion of Senator Chesbro, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 1070 was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Battin, Denham, Johnson, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**RECESS**

At 9:12 a.m., on motion of Senator Burton the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 9:15 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS**

**Senate Bill 104**—An act to amend Section 384 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Machado.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

### RECESS

At 9:17 a.m., on motion of Senator Burton the Senate recessed in order to convene in extraordinary session.

### REASSEMBLED

At 9:18 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

### CONSIDERATION OF DAILY FILE (RESUMED) CONSENT CALENDAR

**Senate Bill 61**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 62**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 63**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

### Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray,

Oller, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Ortiz and Perata.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 9:20 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, March 17, 2003.

Motion carried.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 13, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 36                      AB 96                      AB 155

Assembly Chamber, March 13, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 32                      ACR 33                      ACR 52

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 36**—An act to amend Section 52056 of the Education Code, relating to academic achievement.

**Assembly Bill 96**—An act to amend Sections 44395, 44396, 44510, 44735, 44751, 44752, 48200.7, 51101, 52054, 52055.52, 52055.600, 52055.605, 52055.610, 52055.615, 52055.620, 52055.625, 52055.650, 52055.655, 52055.656, 52058.1, 58907, 58916, 66941, 69440, 69532, 69612, 69613.1, 69615.4, 70001, 70003, 70005, 99200, 99203, 99220, and 99234 of, to amend the heading of Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of, the Education Code, and to amend

Sections 8869.80 and 8869.84 of the Government Code, relating to schools.

**Assembly Bill 155**—An act to amend Section 1050 of the Penal Code, relating to criminal procedure.

**Assembly Concurrent Resolution 32**—Relative to California Nonprofits and Philanthropy Week.

**Assembly Concurrent Resolution 33**—Relative to the Day of the Horse.

**Assembly Concurrent Resolution 52**—Relative to mosquito and vector control.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, March 12, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—SB 707, SB 833, SB 840, SB 909, SB 934, SB 1000, SB 1026, SB 1036.

**Appropriations**—SB 815, SB 1009.

**Banking, Commerce and International Trade**—SB 735, SB 901.

**Budget and Fiscal Review**—SB 976, SB 985.

**Business and Professions**—SB 342, SB 364, SB 736, SB 808, SB 816, SB 821, SB 907, SB 928, SB 969.

**Education**—SB 712, SB 719, SB 722, SB 728, SB 746, SB 763, SB 793, SB 801, SB 823, SB 826, SB 837, SB 892, SB 905, SB 955, SB 956, SB 964, SB 971, SB 979.

**Elections and Reapportionment**—SB 724, SB 1023, SB 1024.

**Energy, Utilities and Communications**—SB 703, SB 770, SB 830, SB 874, SB 920, SB 944, SB 1015.

**Environmental Quality**—SB 704, SB 706, SB 711, SB 747, SB 805, SB 871, SB 922, SB 923, SB 942, SB 945, SB 1002, SB 1004.

**Governmental Organization**—SB 578, SB 729, SB 738, SB 753, SB 769, SB 791, SB 812, SB 856, SB 895, SB 896, SB 926, SB 930, SB 998, SB 1018.

**Health and Human Services**—SB 295, SB 739, SB 771, SB 773, SB 778, SB 779, SB 827, SB 828, SB 831, SB 847, SB 855, SB 857, SB 858, SB 897, SB 932, SB 936, SB 937, SB 950, SB 953, SB 1016, SB 1027.

**Housing and Community Development**—SB 744.

**Insurance**—SB 797, SB 798, SB 850, SB 853.

**Judiciary**—SB 584, SB 734, SB 740, SB 766, SB 772, SB 777, SB 804, SB 818, SB 835, SB 841, SB 870, SB 872, SB 889, SB 890, SB 902, SB 912, SB 917, SB 946, SB 947, SB 1013, SB 1021, SB 1025, SB 1030.

**Labor and Industrial Relations**—SB 714, SB 727, SB 730, SB 755, SB 800, SB 867, SB 868, SB 893, SB 927, SB 966, SB 974, SB 996, SB 1007, SB 1010.

**Local Government**—SB 709, SB 745, SB 756, SB 787, SB 806, SB 864, SB 865, SB 898, SB 908, SB 918, SB 938, SB 952, SB 997, SB 999, SB 1037, SB 1068, SB 1069.

**Natural Resources and Wildlife**—SB 737, SB 754, SB 810, SB 904, SB 978.

**Public Employment and Retirement**—SB 713, SB 836, SB 854.

**Public Safety**—SB 291, SB 489, SB 717, SB 718, SB 732, SB 761, SB 762, SB 775, SB 784, SB 824, SB 829, SB 851, SB 876, SB 877, SB 879, SB 880, SB 881, SB 882, SB 883, SB 884, SB 885, SB 900, SB 903, SB 919, SB 929, SB 933, SB 941, SB 968, SB 970, SB 977, SB 982, SB 1019.

**Revenue and Taxation**—SB 701, SB 726, SB 760, SB 764, SB 819, SB 935, SB 948, SB 961, SB 973, SB 1012, SB 1059, SB 1060, SB 1061, SB 1062, SB 1063, SB 1064, SB 1065, SB 1066.

**Rules**—SB 715, SB 716, SB 720, SB 721, SB 723, SB 725, SB 731, SB 733, SB 741, SB 742, SB 743, SB 748, SB 749, SB 750, SB 751, SB 752, SB 757, SB 758, SB 759, SB 765, SB 767, SB 768, SB 776, SB 781, SB 782, SB 783, SB 785, SB 786, SB 788, SB 792, SB 794, SB 803, SB 807, SB 811, SB 813, SB 814, SB 817, SB 822, SB 832, SB 834, SB 842, SB 843, SB 844, SB 845, SB 846, SB 849, SB 852, SB 859, SB 860, SB 861, SB 862, SB 863, SB 869, SB 875, SB 878, SB 886, SB 888, SB 891, SB 894, SB 899, SB 910, SB 913, SB 914, SB 925, SB 931, SB 939, SB 940, SB 943, SB 949, SB 951, SB 954, SB 958, SB 959, SB 960, SB 962, SB 963, SB 972, SB 975, SB 980, SB 983, SB 986, SB 988, SB 989, SB 990, SB 991, SB 992, SB 993, SB 1001, SB 1006, SB 1014, SB 1020, SB 1031, SB 1032, SB 1033, SB 1034, SB 1035, SB 1067.

**Transportation**—SB 708, SB 710, SB 795, SB 799, SB 802, SB 825, SB 915, SB 916, SB 924, SB 957; SR 10.

**Veterans Affairs**—SB 838.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources** and **Local Government**—SB 906.

**Business and Professions and Rules**—SB 545, SB 665, SB 995.  
**Education and Business and Professions**—SB 542, SB 967, SB 1017.  
**Education and Public Employment and Retirement**— SB 790.  
**Education and Rules**—SB 789.  
**Education and Veterans Affairs**—SB 809.  
**Environmental Quality and Judiciary**—SB 415.  
**Environmental Quality and Revenue and Taxation**—SB 981.  
**Environmental Quality and Rules**—SB 702, SB 820.  
**Governmental Organization and Constitutional Amendments**—  
SCA 10.  
**Governmental Organization and Energy, Utilities and Communications**—  
SB 911.  
**Governmental Organization and Judiciary**—SB 1008.  
**Governmental Organization and Rules**—SB 839, SB 887.  
**Health and Human Services and Business and Professions**—SB 490.  
**Health and Human Services and Judiciary**—SB 984, SB 1003.  
**Health and Human Services and Public Safety**—SB 496, SB 652.  
**Health and Human Services and Revenue and Taxation**—SB 921.  
**Health and Human Services and Rules**—SB 774, SB 1005.  
**Housing and Community Development and Revenue and Taxation**—  
SB 1029.  
**Judiciary and Transportation**—SB 780.  
**Labor and Industrial Relations and Business and Professions**—  
SB 398.  
**Labor and Industrial Relations and Judiciary**—SB 796.  
**Local Government and Constitutional Amendments**—SCA 11.  
**Natural Resources and Wildlife and Judiciary**—SB 643, SB 866.  
**Public Employment and Retirement and Labor and Industrial  
Relations**—SB 1011.  
**Public Safety and Judiciary**—SB 873.  
**Public Safety and Rules**—SB 443.  
**Transportation and Public Safety**—SB 848.

**Veterans Affairs and Judiciary**—SB 1028.

The Committee on Rules has re-referred the following measure to committee:

**Transportation**—SB 60.

State Capitol, March 12, 2003

Mr. President: The Senate Rules Committee has appointed Ms. Marie Acosta of San Francisco and Ms. Elizabeth W. Reeves of Fresno as members of the California Cultural and Historical Endowment to serve at the pleasure of the Rules Committee.

BURTON, Chair

**Committee on Public Safety**

Date of Hearing, March 13, 2003

Mr. President: The Committee on Public Safety, to which was referred: SB 459

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 11, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 89

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 13, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 878

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 878**—An act to amend Section 166 of the Penal Code, relating to crimes.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

State Capitol, March 12, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Gary M. Cramer, Member, Court Reporters Board (4–0)

Cathryn I. Rivera-Hernandez, Member, Agricultural Labor Relations Board (5–0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Business and Professions**

Senate Chamber, March 13, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 136

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 136**—An act to amend Section 9855.2 of the Business and Professions Code, relating to service contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 13, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 116

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 116**—An act to amend Section 798.51 of the Civil Code, relating to mobilehome parks.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**REQUEST TO INTRODUCE BILL AFTER THE DEADLINE**

Senate Chamber, March 13, 2003

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce a bill (Legislative Counsel Request RN 3-08100) after the deadline.

SENATOR BURTON

**Permission of Rules Committee**

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1072:** By Senator Burton (Principal coauthor: Senator Johnson) (Coauthors: Senators Brulte and Kuehl)—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1073:** By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson.)—An act to repeal Section 69.8 of the Harbors and Navigation Code, relating to natural resources.

**SENATE COMMITTEE ROLL CALLS****Committee on Public Safety**

**SB 459**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 3/13/03

McPherson (Chair)

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned until 1:30 p.m., Monday, March 17, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, March 17, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Brulte will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*O Lord*, For Your love of diversity You have created those who will ask if the glass is half full and those who will ask if the glass is half empty. In the true Irish tradition, may we be counted this day among those who ask: "Hey, you gonna drink that?"

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 17, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 2

AB 88

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 2**—An act to amend Sections 1191.15 and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims.

**Assembly Bill 88**—An act to add Section 1670.6 to the Civil Code, relating to contracts.

**REPORTS OF STANDING COMMITTEES****Committee on Education**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 198

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 198**—An act to amend Section 49603 of the Education Code, relating to pupils.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 37                      SB 186                      SB 219

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 37**—An act to add Section 798.74.4 to the Civil Code, relating to mobilehomes.

Bill read second time.

**Senate Bill 186**—An act to add Title 1.81.4 (commencing with Section 1798.110) to Part 4 of Division 3 of the Civil Code, relating to privacy.

Bill read second time.

**Senate Bill 219**—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 11, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SJR 5

Reports the same back with the recommendation: Be adopted as amended.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 44                      SB 188                      SB 221

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 44**—An act to add Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

Bill read second time.

**Senate Bill 188**—An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training.

Bill read second time.

**Senate Bill 221**—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 226

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 226**—An act to amend Section 10002 of the Welfare and Institutions Code, relating to social services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Natural Resources and Wildlife**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 217

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 217**—An act to amend Section 4514.3 of, and to add Sections 4566 and 4582.1 to, the Public Resources Code, relating to forest resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Date of Hearing, March 17, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 459

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, March 14, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 66

SB 109

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

**Senator Alpert Presiding**

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN 30 CALENDAR DAYS**

The following request was presented by Senator Burton:

Senate Chamber, March 13, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1072** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR BURTON

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION AND SUSPEND JOINT RULE 55**

*Resolved*, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight,

Kuehl, Machado, Margett, McClintock, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

#### **REQUEST FOR UNANIMOUS CONSENT (SCR 13)**

Senator Figueroa asked for, and was granted, unanimous consent that SCR 13 be withdrawn from committee and taken up at this time, without reference to file.

#### **Consideration of Senate Concurrent Resolution 13**

**Senate Concurrent Resolution 13**—Relative to Women's History Month.

Resolution read third time and presented by Senator Figueroa.

#### **Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

#### **REQUEST FOR UNANIMOUS CONSENT (SB 459)**

Senator Burton asked for, and was granted, unanimous consent that SB 459 be taken up at this time without reference to file.

#### **Consideration of Senate Bill 459**

**Senate Bill 459**—An act to amend Sections 731, 779, 780, 1000.7, 1009, 1176, 1177, 1178, 1179, 1703, 1712, 1714, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1725, 1726, 1732.8, 1737, 1737.1, 1752.82, 1754, 1757, 1760, 1765, 1766, 1766.1, 1767.1, 1767.3, 1767.4, 1767.5, 1768.10, 1772, 1778, 1780, 1781, 1800, 1802, and 1830 of, to add Section 1731.8 to, and to repeal Sections 1724 and 1727 of, the Welfare and Institutions Code, relating to juvenile offenders, making an appropriation therefor, to take effect immediately, as an appropriation for the usual and current expenses of the state.

Bill read second time and amendments proposed by the Committee on Appropriations were read and adopted.

#### **Consideration of Senate Bill 459 as Amended**

Bill read third time and presented by Senator Burton.

#### **Roll Call**

The roll was called and the measure was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight,

Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**THIRD READING OF SENATE BILLS**

**Senate Joint Resolution 3**—Relative to the Temporary Assistance for Needy Families (TANF) program.

Resolution read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**RECESS**

At 1:47 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 1:47 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Brulte.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 1:50 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, March 18, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, March 17, 2003

The Committee on Rules has referred the following bill to committee:

**Elections and Reapportionment—SB 1072.**

**Committee on Business and Professions**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 77

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 77**—An act to amend Section 2622 of, to add Section 2623 to, and to repeal and add Section 2620 of, the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, March 17, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 4

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 4**—An act to amend Sections 17041 and 17062 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Senator Bowen Presiding**  
**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 1072 to be heard in the Committee on Elections and Reapportionment on March 20 without four days notice in the file.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 622** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committees on Governmental Organization and Revenue and Taxation.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 45**—An act to amend Section 44830 of the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to SB 45 proposed by Senator Vincent were read and adopted and the measure ordered printed, engrossed, and to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Resolution 12:** By Senators Ackerman, Burton, and Chesbro—Relative to autism.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Bob Williams of Linda Vista/Clairemont.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Betty Vella Garvey of San Francisco.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Sunil Aghi of Orange County.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Robert E. Epple of Bellflower.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Elise Kellison of Sacramento.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of William John Stein Jr., of Carmichael.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 18, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, March 18, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 17, 2003

Mr. President: I am directed to inform your honorable body that the  
Assembly on this day adopted:

ACR 48            ACR 56            ACR 57            AJR 5

E. DOTSON WILSON, Chief Clerk of the Assembly

### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the  
Committee on Rules for assignment:

**Assembly Concurrent Resolution 48**—Relative to Endometriosis  
Awareness Month.

**Assembly Concurrent Resolution 56**—Relative to California Space  
Day.

**Assembly Concurrent Resolution 57**—Relative to Irish-American Heritage Month.

**Assembly Joint Resolution 5**—Relative to the Vietnam Veterans Memorial Education Center.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Judiciary

Senate Chamber, March 18, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 59

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

##### Second Reading of Bills—Author's Amendments

**Senate Bill 59**—An act to amend Section 395 of, and to add Section 395.5 to, the Welfare and Institutions Code, relating to adoption.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

##### Committee on Public Safety

Date of Hearing, March 18, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 48

SB 132

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

##### Committee on Business and Professions

Senate Chamber, March 18, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 12

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 12**—An act to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 18, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 2

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 2**—An act relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 12, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 143

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Senate Chamber, March 18, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 211

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 211**—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, March 18, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 103

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 103**—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, March 18, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SCR 4

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 18, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 25

SB 37

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 18, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 116

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bill ordered to second reading.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing Budget and Fiscal Review Subcommittee No. 4 to meet at 3 p.m., on March 19 without four days notice in the File.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 186** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 16:** By Senator Morrow—Relative to POW Recognition Day.

**Senate Concurrent Resolution 17:** By Senator Poochigian— Relative to highways.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Joint Resolution 5**—Relative to the Giant Sequoia National Monument.

Resolution read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 45**—An act to amend Section 44830 of the Education Code, relating to teachers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 66**—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 7902, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 38638, 50060.5, 53316.2, 55863, 61601.27, 61601.28, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 38301 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, to amend Sections 22010, 22012, 22017, and 22038 of the Public Contract Code, to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of, and to repeal Division 32 (commencing with Section 60000) and Division 32.5 (commencing with Section 60200) of, the Public Resources Code, to amend Sections 15961.5, 19014, and 100500 of the Public Utilities Code, to amend Section 35565.4 of, and to repeal Sections 21267, 30505, 35565.5, 33565.6, 35565.7, and 40501 of, the Water Code,

and to add Section 5.20 to Chapter 283 of the Statutes of 1973, relating to local government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 109**—An act to amend Section 33080.8 of the Health and Safety Code, relating to redevelopment.

Bill read second time, ordered engrossed, and to third reading.

### SENATE COMMITTEE ROLL CALLS

#### Committee on Public Safety

**SB 42**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Vasconcellos.

Failed passage

**SB 42**—Reconsideration granted

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 48**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 132**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 209**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/18/03

McPherson (Chair)

#### Committee on Judiciary

**SB 25**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 37**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (1)—Senator Ackerman.

**SB 116**—Do pass

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (1)—Senator Ackerman.

**SB 219**—Do pass as amended and re-refer to Committee on Public Safety

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 220**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SCR 4**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

Date of Hearing: 3/18/03

Escutia (Chair)

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, March 19, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, March 19, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

**REPORTS OF STANDING COMMITTEES**

**Committee on Transportation**

Date of Hearing, March 18, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 87

Reports the same back with the recommendation: Do pass as amended, but  
first amend, and re-refer to the Committee on Appropriations with the  
recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, March 18, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SCR 3

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Labor and Industrial Relations**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 158

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 158**—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 8

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 8**—Relative to Child Abuse Prevention Month.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, March 19, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 1069

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 41

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 41**—An act to amend Section 10515 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 37

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 70

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 70**—An act to amend Section 8483.55 of the Education Code, relating to education, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 19, 2003

Mr. President: The Committee on Education, to which was referred:

SB 7

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

#### **Committee on Business and Professions**

Senate Chamber, March 19, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 33

SB 165

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 33**—An act to amend Section 17591 of the Business and Professions Code, relating to telephone solicitations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 165**—An act to amend Sections 1260, 1262, and 1275 of the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 921** was withdrawn from the Committee on Health and Human Services and re-referred to the Committees on Insurance and Revenue and Taxation.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1074:** By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Denham, Figueroa, Kuehl, McPherson, and Romero)—An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend Section 48003 of the Public Resources Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

**Senate Concurrent Resolution 18:** By Senator Torlakson (Principal coauthor: Assembly Member Jackson) (Coauthors: Senators Ackerman, Alarcón, Alpert, Ashburn, Escutia, Karnette, Ortiz, Romero, and Speier)

(Coauthors: Assembly Members Frommer, Leno, Montanez, and Mullin)—Relative to California Fitness Month.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 143**—An act to add Section 1250.15 to the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 116**—An act to amend Section 798.51 of, and to add Section 799.10 to, the Civil Code, relating to mobilehome parks.

Bill read second time, ordered engrossed, and to third reading.

**SENATE COMMITTEE ROLL CALLS  
Committee on Appropriations**

**SB 459**—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

Date of Hearing: 3/17/03

Alpert (Chair)

**Committee on Education**

**SB 7**—Do pass, to Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 15**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 81**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 164**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 3/19/03

Vasconcellos (Chair)

**Committee on Local Government****SB 1069**—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/19/03

Torlakson (Chair)

**Committee on Transportation**

**SB 87**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 127**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 138**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SCR 3**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/18/03

Murray (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Marc G.J. Marquette of San Fernando Valley.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Deputy Brent C. Jenkins of Moreno Valley.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, March 20, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, March 20, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Escutia will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, March 19, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—SB 518, SB 564.

**Business and Professions**—SB 1071.

**Education**—SJR 11; AB 36, AB 96.

**Environmental Quality**—SB 563, SB 700, SB 705.

**Health and Human Services**—SJR 10.

**Judiciary**—SJR 12; AB 182; AJR 2, AJR 6.

**Local Government**—AB 94.

**Natural Resources and Wildlife**—SB 987, SB 1073.

**Public Safety**—SB 570; AB 155.

**Veterans Affairs**—SB 965.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources and Natural Resources and Wildlife**—SB 411, SB 994.

**Public Safety and Judiciary**—SB 1022.

The Committee on Rules has re-referred the following measures to committee:

**Business and Professions**—SB 186.

**Energy, Utilities and Communications**—SB 128, SB 720.

**Public Safety**—SB 226, SB 878.

State Capitol, March 19, 2003

Mr. President: The Senate Rules Committee has created a Select Committee on California-Mexico Cooperation, adopted Senate Rules Committee Resolution #8 outlining its jurisdiction and appointed the following members to serve on the committee: Senators Ducheny, Chair, Cedillo, Denham and Torlakson (3 vacancies remain).

The Senate Rules Committee has appointed Senator McPherson as a member of the Select Committee on Developmental Disabilities and Mental Health to fill an existing vacancy.

BURTON, Chair

#### **Committee on Revenue and Taxation**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 43

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 43**—An act to amend Section 18855 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 58                      SB 188                      SB 190

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 58**—An act to add Section 1798.68.5 to the Civil Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 188**—An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training.

Bill read second time.

**Senate Bill 190**—An act to add Article 4.7 (commencing with Section 12089) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Date of Hearing, March 19, 2003

Mr. President: The Committee on Rules, to which was referred:

SJR 9

Reports the same back with the recommendation: Be adopted as amended.

BURTON, Chair

Above measure ordered to second reading.

State Capitol, March 19, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

John B. Sandman, Member, Contractors’ State License Board (5–0)

Hacob Shirvastian, Member, Contractors’ State License Board (5–0)

William S. Breall, M.D., Member, Medical Board of California, Division of Medical Quality (5–0)

Gary Gitnick, M.D., Member, Medical Board of California, Division of Licensing (5–0)

Salma Haider, Member, Medical Board of California, Division of Licensing (5–0)

Lorie G. Rice, Member, Medical Board of California, Division of Medical Quality (5-0)

Maurice Johannessen, Secretary of Veterans Affairs (3-2)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

#### **Committee on Elections and Reapportionment**

Date of Hearing, March 20, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 1072

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

PERATA, Chair

Above measure re-referred to the Committee on Appropriations.

#### **Committee on Health and Human Services**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 106

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 106**—An act to add Chapter 3.37 (commencing with Section 1596.69) to Division 2 of the Health and Safety Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 5

SB 16

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 5**—An act to add Section 51207 to the Education Code, relating to curriculum.

Bill read second time.

**Senate Bill 16**—An act to add Section 11507 to the Education Code, relating to parental compacts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 20, 2003

Mr. President: The Committee on Education, to which was referred:

SB 164

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Environmental Quality**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 204

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 204**—An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SJR 6

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments****Senate Joint Resolution 6**—Relative to emergency services.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, March 20, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1072

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 268, SB 270, SB 436, and SB 626 to be heard in the Committee on Public Employment and Retirement without four days notice in the file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 87**—An act to repeal and add Section 379 of the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1069**—An act to amend Section 93011 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 37**—An act to add Section 798.74.4 to the Civil Code, relating to mobilehomes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 7**—An act to amend Section 8256 of, to repeal Sections 1299, 1722, 33312, and 33317 of, and to repeal Article 2 (commencing with Section 33502) of, and Article 4 (commencing with Section 33550) of, Chapter 4 of Part 20 of, the Education Code, relating to education.

Bill read second time, ordered engrossed, and to Consent Calendar.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Elections and Reapportionment**

**SB 1072**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Johnson, Perata, and Poochigian.

NOES (0)—None.

Date of Hearing: 3/20/03

Perata (Chair)

**Committee on Rules**

**SJR 9**—Be adopted as amended

AYES (3)—Senators Burton, Karnette, and Romero.

NOES (2)—Senators Johnson and Knight.

Date of Hearing: 3/19/03

Burton (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Escutia.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Charlene Stewart of West Los Angeles.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Victor M. Avrañaga of San Jose.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, March 24, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, March 24, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.  
Quorum present.

*(NOTE: Senator Battin will be excused this day on legislative business, Senator Ackerman will be excused this day on personal business, and Senator Escutia will be excused this day due to illness.)*

**PRAYER**

In honor of Women's History Month, the following prayer was offered by Rev. Faith Whitmore of St. Mark's United Methodist Church, Sacramento:

*God of All Creation*, God of all people, all places, all faiths . . . known to us by many names, renew our faith this beautiful but surreal day . . . this day when we awoke to clear blue skies and the freshest of spring air . . . when we awoke to begin another week of work and service . . . when we awoke from a fitful night's rest to be jolted once again by continuing news of war in a desert land, to lives lost and hearts of families and friends breaking . . .

Facing the uncertainty, O God, grant us all grace to do justice, love kindness and walk humbly with You.

May Your mercy flow freely . . . may healing begin . . . may compassion abound . . . may beauty be known . . . may peace prevail sooner than later.

Turn Your spirit loose on this world and among those gathered here, that we might, with courage and truth, seek reconciliation with those with whom we differ; affirm goodness and generosity as it is offered; and direct our powers and our passions, here and now, to affirming life in its fullest.

In the spirit of hope, love and justice we pray . . . AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Soto led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 24, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 70                      AB 150                      AB 167

Assembly Chamber, March 24, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 43                      ACR 49

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 70**—An act to amend Section 502.01 of the Penal Code, relating to identity theft.

**Assembly Bill 150**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

**Assembly Bill 167**—An act to amend Sections 1004, 2356.5, 3121, 3144, 6240, 6327, 8852, 9761, 9884, 10151, 10534, 11952, 13601, 19054,

21401, and 21623 of, and to amend and renumber Section 26112 of, the Probate Code, relating to probate.

**Assembly Concurrent Resolution 43**—Relative to the Girl Scouts.

**Assembly Concurrent Resolution 49**—Relative to the California Golden Poppy.

**REPORTS OF STANDING COMMITTEES**

**Committee on Insurance**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

SB 64                      SB 344                      SB 581                      SB 582

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 64**—An act to amend Sections 790.03 and 791.12 of, and to add Section 1861.7 to, the Insurance Code, relating to homeowners’ insurance.

Bill read second time.

**Senate Bill 344**—An act to amend Sections 12340.2, 12360, 12640.02, 12640.07, and 12640.10, relating to mortgage insurance.

Bill read second time.

**Senate Bill 581**—An act to amend Section 1358.11 of the Health and Safety Code, and to amend Section 10192.11 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 582**—An act to amend Section 10089.5 of the Insurance Code, relating to the California Earthquake Authority Fund.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which were referred:

SB 533    SB 654

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 533**—An act to add Sections 2288 and 12841.2 to the Food and Agricultural Code, relating to pesticides.

Bill read second time.

**Senate Bill 654**—An act to amend Section 10644 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 341

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 341**—An act to amend Sections 25210.4a, 53961, and 56036 of the Government Code, and to add Part 4 (commencing with Section 9000) to Division 8 of, and to repeal Part 4 (commencing with Section 8890) of Division 8 of, the Health and Safety Code, relating to cemeteries.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 213

SB 255

SB 929

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MCPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 213**—An act to amend Sections 2800.2 and 2800.3 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 255**—An act to add Section 12077.5 to the Penal Code, relating to firearms.

Bill read second time.

**Senate Bill 929**—An act to add Section 12313 to the Penal Code, relating to explosives.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 18, 2003

Mr. President: The Committee on Public Safety, to which was referred: SB 209

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, March 18, 2003

Mr. President: The Committee on Judiciary, to which was referred: SB 220

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 257	SB 432	SB 493	SB 591
SB 650	SB 751	SB 794	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 257**—An act relating to pupil testing.

Bill read second time.

**Senate Bill 432**—An act relating to preschool.

Bill read second time.

**Senate Bill 493**—An act to add Section 25365.8 to the Health and Safety Code, relating to hazardous substances.

Bill read second time.

**Senate Bill 591**—An act to amend Section 366 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

**Senate Bill 650**—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

**Senate Bill 751**—An act to amend Section 13975 of the Government Code, relating to state agencies.

Bill read second time.

**Senate Bill 794**—An act to amend Section 78684.13 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 40	SB 259	SB 352
SB 373	SB 571	SB 606

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 40**—An act to add Chapter 13 (commencing with Section 20020) to Part 11 of the Education Code, relating to financing a public library construction and renovation program, making an appropriation therefor, and by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 259**—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 352**—An act to amend Sections 17074.27, 17074.30, 17213, and 17528 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill read second time.

**Senate Bill 373**—An act to add Section 52057.5 to the Education Code, relating to school accountability.

Bill read second time.

**Senate Bill 571**—An act to add Article 6 (commencing with 8780) to Chapter 4 of Part 6 of the Education Code, relating to environmental education.

Bill read second time.

**Senate Bill 606**—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

### **Committee on Appropriations**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 95

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 95**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

### **Committee on Public Employment and Retirement**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 270

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 270**—An act to add Section 31537 to the Government Code, relating to county employees' retirement systems.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 142                      SB 250                      SB 372

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 142**—An act to add Section 12693.983 to the Insurance Code, relating to the Healthy Families Program.

Bill read second time.

**Senate Bill 250**—An act to amend Sections 11165.7 and 11166 of the Penal Code, relating to mandated reporters.

Bill read second time.

**Senate Bill 372**—An act to amend Section 5008 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 12, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 120

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Housing and Community Development.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, March 18, 2003

Mr. President: The Committee on Transportation, to which were referred:

SB 127                      SB 138

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measures ordered to second reading.

**Committee on Labor and Industrial Relations**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 158

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 158**—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 780

SB 328

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 780**—An act to amend Section 40518 of, to add Sections 12810.3, 40518.5, and 40520.5 to, and to repeal and add Section 21455.5 of, the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 328**—An act to amend Sections 70303, 70366, 70367, and 70374 of the Government Code, relating to court facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 18, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 219

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 532

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 532**—An act to amend Section 21083 and 21100 of, and to add Sections 21001.5 and 21060.2 to, the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, March 24, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 403

SB 406

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 403**—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

Bill read second time.

**Senate Bill 406**—An act relating to highways.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 629** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Labor and Industrial Relations.

**REQUEST FOR UNANIMOUS CONSENT (ACR 57)**

Senator Ducheny asked for, and was granted, unanimous consent that ACR 57 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 57**

**Assembly Concurrent Resolution 57**—Relative to Irish-American Heritage Month.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (35)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (ACR 56)**

Senator Karnette asked for, and was granted, unanimous consent that ACR 56 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 56**

**Assembly Concurrent Resolution 56**—Relative to California Space Day.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (35)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SCR 15)**

Senator Ortiz asked for, and was granted, unanimous consent that SCR 15 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 15**

**Senate Concurrent Resolution 15**—Relative to Save Your Vision Month.

Resolution read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (37)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa,

Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

#### **Senator Alpert Presiding**

#### **SECOND READING OF SENATE BILLS**

**Senate Joint Resolution 9**—Relative to the California economy.

Resolution read second time.

The amendments proposed by the Committee on Rules were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1072**—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### **UNFINISHED BUSINESS**

##### **Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Maurice Johannessen, Secretary of Veterans Affairs.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

##### **Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

#### **RECESS**

At 2:15 p.m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 2:22 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**Consideration of Appointments by the Governor**  
**Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmations of the appointments of:

Hacob Shirvanian, Member, Contractors' State License Board

William S. Breall, M.D., Member, Medical Board of California,  
Division of Medical Quality.

be taken up separately.

**CONSENT CALENDAR**

**Senate Concurrent Resolution 5**—Relative to visual and performing arts education.

Resolution read third time.

**Consent Calendar Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Battin.

The following Senator was granted leave of absence for the day due to personal business: Senator Ackerman.

The following Senator was granted leave of absence for the day due to illness: Senator Escutia.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 2:22 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, March 25, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

Senate Chamber, March 24, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 79

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 79**—An act to amend Sections 20437 and 71601 of, and to repeal Section 71081 of, the Government Code, and to amend Sections 830.1 and 3075 of the Penal Code, relating to courts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, March 24, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1016

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1016**—An act to add Section 22964 to the Business and Professions Code, relating to tobacco.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, March 24, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

SB 354

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 354**—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, relating to workers’ compensation insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, March 24, 2003

Madam President: The Chair of the Committee on Local Government, to which were referred:

SB 303

SB 487

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 303**—An act to add Section 53313.51 to the Government Code, relating to community facilities districts.

Bill read second time.

**Senate Bill 487**—An act to amend Section 56857 of the Government Code, relating to local agency reorganization.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on March 27, 2003:

SB 66

SB 109

SB 1069

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

**Senate Joint Resolution 5**—Relative to the Giant Sequoia National Monument.

Resolution read third time.

**Amendments Adopted**

Amendments to SJR 5 proposed by Senator Sher were read and adopted and the measure ordered printed, engrossed, and to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Resolution 13:** By Senators Ashburn and Vincent (Coauthor: Senator Ackerman)—Relative to high school diplomas for adults.

**Senate Resolution 14:** By Senator Burton—Relative to the war in Iraq.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Alicia Jalloh of Atlanta, Georgia and Michael King of Sacramento.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Max Jordan Fisher of Fortuna.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Lt. Thomas M. Adams, USN of La Mesa.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Joseph Mitchell Olenick of Quartz Hill.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Virginia Leonardini of Linden.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Dan Snow of Newbury Park.

Senator Sher requested that when the Senate adjourns this day it do so in memory of Earline B. Sweet of San Jose.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of James Boccardo of Los Gatos.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 25, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-SEVENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, March 25, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian,  
Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and  
Vincent—37.

Quorum present.

*(NOTE: Senators Florez and Morrow (waives per diem) will be excused  
this day on legislative business and Senator Escutia will be excused this  
day due to illness.)*

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
March 25, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments  
and reappointments heretofore made by me to offices which are by law to  
be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Phyllis F. Epstein, served since 07/99; reappointed 2/27/03. Effective 3/12/03:

Member, California Arts Council, term ending 1/1/07.

Marcy Friedman, served since 1/00; reappointed 2/27/03. Effective 3/20/03:

Member, California Arts Council, term ending 1/1/07.

Robert J. Gerst, retired. Appointed 3/11/03. Effective 3/20/03:

Member, Board of Behavioral Sciences, Department of Consumer Affairs vice Marquerite N. Thompson, withdrawn from the Senate, term ending 6/1/06.

Timothy J. Brink, served since 1/00; reappointed 2/27/03. Effective 3/19/03:

Member, State Building Standards Commission, term ending 1/1/07.

Steven R. Winkel, served since 2/00; reappointed 2/27/03. Effective 3/19/03:

Member, State Building Standards Commission, term ending 1/1/07.

Donald R. Sheetz, served since 3/01; reappointed 2/27/03. Effective 3/24/03:

Member, Board of Corrections, term ending 1/1/06.

Steve W. Clute, served since 4/02; reappointed 2/27/03. Effective 3/25/03:

Member, Electricity Oversight Board, term ending 12/31/05.

John L. Growney, served since 3/01; reappointed 2/25/03. Effective 3/14/03:

Director, California Exposition and State Fair, term ending 1/1/07.

William A. Bianco, served since 3/01; reappointed 2/27/03. Effective 3/16/03:

Member, California Horse Racing Board, term ending 1/1/07.

Warren J. Kessler, served since 2/01; reappointed 2/27/03. Effective 3/14/03:

Member, California Housing Partnership Corporation, term ending 1/1/06.

Allen M. Jones, served since 4/00; reappointed 2/27/03. Effective 3/13/03:

Member, State Mining and Geology Board, term ending 1/15/07.

Robert Griego, served since 4/00; reappointed 2/27/03. Effective 3/13/03:

Member, State Mining and Geology Board, term ending 1/15/07.

James D. Falaschi, served since 5/00; reappointed 2/27/03. Effective 3/20/03:

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, term ending 12/31/06.

Elihu M. Harris, served since 3/00; reappointed 1/28/03. Effective 3/13/03:

Member, Unemployment Insurance Appeals Board, term ending 1/1/07.

Above appointments referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**

**Committee on Insurance**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

SB 200                      SB 260                      SB 797

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 200**—An act to add Section 10233.1 Insurance Code, relating to long-term care insurance.

Bill read second time.

**Senate Bill 260**—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

Bill read second time.

**Senate Bill 797**—An act to amend Section 1367.665 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 306

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair



Reports the same back with the recommendation: Do pass.

VINCENT, Chair

Above bills ordered to second reading.

Date of Hearing, March 25, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 301

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 25, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 621

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 185

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 185**—An act to amend Section 398.5 of the Public Utilities Code, relating to electricity.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 89

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 25, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 251                      SB 297                      SB 694

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 25, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 412

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 275                      SB 435                      SB 824                      SB 880

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 275**—An act to amend Section 11105.2 of the Penal Code, relating to criminal history information.

Bill read second time.

**Senate Bill 435**—An act to amend Sections 12050 and 12807 of the Penal Code, relating to concealed firearms.

Bill read second time.



**Second Reading of Bills—Author's Amendments**

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read second time.

**Senate Bill 719**—An act to amend Sections 32261, 32262, 35183, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

Bill read second time.

**Senate Bill 746**—An act to add Section 42251 to the Education Code, relating to school finance, and making an appropriation therefor.

Bill read second time.

**Senate Bill 964**—An act to add Section 60852.5 to the Education Code, relating to the high school exit examination.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 19, 2003

Mr. President: The Committee on Education, to which was referred:

SB 15

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 163

SB 321

SB 392

SB 634

SB 787

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 163**—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

Bill read second time.

**Senate Bill 321**—An act to add Division 3 (commencing with Section 64500) to Title 6.7 of the Government Code, relating to infrastructure investment.

Bill read second time.

**Senate Bill 392**—An act to amend Sections 10122, 10123, 10301, 10353, and 10366 of, to add Part 4 (commencing with Section 8590) to Division 10 of, and to repeal Sections 10310 and 10311 of, the Streets and Highways Code, relating to local agency assessments.

Bill read second time.

**Senate Bill 634**—An act to add Article 42.5 (commencing with Section 20676) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

**Senate Bill 787**—An act to amend Sections 53601 and 53635 to the Government Code, relating to local agency investments.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, March 25, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 350

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 350**—An act to add Section 12839 to the Food and Agricultural Code, relating to pesticides, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 406** was withdrawn from the Committee on Transportation and re-referred to the Committee on Rules;

**SB 571** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

**SB 582** was withdrawn from the Committee on Insurance and re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 209**—An act to amend Sections 2800.1, 2800.2, and 2800.3 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 220**—An act to add Section 17.1 to the Corporations Code, relating to business organizations.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 120**—An act to add Chapter 10.7 (commencing with Section 9685) to Division 8.5 of the Welfare and Institutions Code, relating to the elderly and disabled.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Housing and Community Development.

**Senate Bill 127**—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 138**—An act to amend Section 143 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 219**—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Senate Joint Resolution 5**—Relative to the Giant Sequoia National Monument.

Resolution read second time, ordered engrossed, and to third reading.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Business and Professions**

**SB 12**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (1)—Senator Brulte.

**SB 31**—Do pass as amended

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Murray, and Vincent.

NOES (0)—None.

**SB 165**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**SB 175**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**SB 252**—Do pass as amended

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

Date of Hearing: 3/24/03

Figueroa (Chair)

**Committee on Governmental Organization**

**SB 41**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 155**—Do pass

AYES (9)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Margett, Murray, Soto, and Vincent.

NOES (3)—Senators Brulte, Dunn, and Machado.

**SB 296**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 301**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Battin, Cedillo, Chesbro, Dunn, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (1)—Senator Johnson.

**SB 499**—Do pass

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 621**—Do pass, to Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 3/25/03

Vincent (Chair)

#### **Committee on Natural Resources and Wildlife**

**SB 217**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**SB 251**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Sher, and Torlakson.

NOES (1)—Senator Oller.

**SB 297**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Hollingsworth, Kuehl, Sher, and Torlakson.

NOES (1)—Senator Oller.

**SB 412**—Do pass

AYES (5)—Senators Alpert, Bowen, Kuehl, Ortiz, and Sher.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**SB 649**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 694**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

**SJR 8**—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/25/03

Kuehl (Chair)

**Committee on Public Safety**

**SB 195**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed passage

**SB 195**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 206**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

**SB 206**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 221**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 255**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 450**—Do pass

AYES (4)—Senators Burton, Margett, McPherson, and Sher.

NOES (0)—None.

**SB 784**—Do pass

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 903**—Do pass as amended

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 933**—Do pass as amended

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/25/03

McPherson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez and Morrow (waives per diem).

The following Senator was granted leave of absence for the day due to illness: Senator Escutia.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, March 26, 2003.

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**IN JOINT CONVENTION****2003 State of the Judiciary Address**

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Assembly Chamber, Sacramento  
Tuesday, March 25, 2003

At 4:55 p.m., the Senate and Assembly met in Joint Convention.  
Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

(NOTE: For text of address see Assembly Journal Appendix for March 12, 2003.)

**ADJOURNMENT OF JOINT CONVENTION**

At 5:31 p.m., there being no further business, Speaker Herb J. Wesson, Jr. declared the Joint Convention adjourned *sine die*.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, March 26, 2003

The Senate met at 9 a.m.  
Hon. Dennis Hollingsworth, of the 36th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian,  
Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and  
Vincent—38.

Quorum present.

*(NOTE: Senator Morrow (waives per diem) will be excused this day on legislative business and Senator Ashburn will be excused this day on personal business.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Business and Professions**

Date of Hearing, March 24, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 12                                      SB 165                                      SB 175

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Elections and Reapportionment**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

SB 604

SB 610

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 604**—An act to amend Section 84502 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 610**—An act to amend Section 12302 of, to add Sections 11.3 and 11.5 to, and to repeal and add Section 12309 of, the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 522

SCR 16

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 522**—An act to amend Section 17980 of the Health and Safety Code, relating to housing.

Bill read second time.

**Senate Concurrent Resolution 16**—Relative to POW Recognition Day.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 315

SB 708

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 315**—An act to amend Section 10753 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 708**—An act to amend Section 44011 of the Health and Safety Code, relating to air pollution.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 798

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 798**—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Date of Hearing, March 24, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 85                      SB 270                      SB 274                      SB 436

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above bills ordered to second reading.

Date of Hearing, March 24, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 99                              SB 126                              SB 268  
SB 461                              SB 626

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Governmental Organization**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 88

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 182

SB 434

SB 947

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 182**—An act to amend Section 8814.5 of the Family Code, relating to adoption.

Bill read second time.

**Senate Bill 434**—An act to amend Sections 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of the Government Code, relating to investigations.

Bill read second time.

**Senate Bill 947**—An act to amend Section 7810 of, and to add Section 8620 to, the Family Code, to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 810

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 810**—An act to amend Section 4528 of the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, March 26, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 75

SB 160

SB 730

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALARCÓN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 26, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 179

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

ALARCÓN, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, March 26, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 253

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Education.

ALARCÓN, Chair

Above measure re-referred to the Committee on Education.

**Committee on Revenue and Taxation**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 973

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 973**—An act to amend Section 6166 of the Government Code, relating to state agencies.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 631

SB 873

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 631**—An act to amend Section 1214 of the Penal Code, and to amend Section 781 of the Welfare and Institutions Code, relating to restitution.

Bill read second time.

**Senate Bill 873**—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 25, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 933

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.



**Committee on Education**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 677                      SB 383                      SB 967

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 677**—An act to amend Section 49431 of the Education Code, relating to schools.

Bill read second time.

**Senate Bill 383**—An act to add Section 66204.5 to the Education Code, relating to postsecondary education.

Bill read second time.

**Senate Bill 967**—An act to amend and renumber Section 94740.1 of, and to add Section 94740.5 to, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, March 26, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 410                      SB 465                      SB 908

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 410**—An act to amend Section 97.31 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time.

**Senate Bill 465**—An act to amend Sections 65460.1, 65460.2, and 65460.4 of, and to add Section 65040.9 to, the Government Code, and to amend Section 33030 of, and to add Chapter 4.7 (commencing with Section 33499) to Part 1 of Division 24 of, the Health and Safety Code, relating to transit village plans.

Bill read second time.

**Senate Bill 908**—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Concurrent Resolution 19:** By Senator Alarcón—Relative to World Languages and Cultures Month.

#### **UNANIMOUS CONSENT GRANTED**

Without objection, unanimous consent was granted to give SB 933 its second reading upon being reported from committee.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 155**—An act to amend Section 1091 of the Government Code, relating to public officers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 499**—An act to add Section 1103.5 to the Public Contract Code, relating to public contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 621**—An act to amend Section 23104.2 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 412**—An act to amend Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, relating to fish and game.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 450**—An act to amend Section 207 of the Penal Code, relating to kidnapping.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 784**—An act to amend Section 1473.5 of the Penal Code, relating to battered women's syndrome.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 15**—An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.42, 17078.52, 17078.54, 17078.58, and 17078.62 of, and

to repeal Section 17078.50 of, the Education Code, relating to education facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 933**—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Labor and Industrial Relations**

**SB 57**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator McClintock.

**SB 75**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators Margett and McClintock.

**SB 158**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator McClintock.

**SB 160**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator McClintock.

**SB 179**—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator McClintock.

**SB 253**—Do pass and re-refer to Committee on Education

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator McClintock.

**SB 730**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, and Romero.

NOES (0)—None.

Date of Hearing: 3/26/03

Alarcón (Chair)

**Committee on Public Employment and Retirement**

**SB 85**—Do pass

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 99**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 100**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Karnette and Soto.

NOES (2)—Senators Ashburn and Oller.

Failed passage

**SB 100**—Reconsideration granted

AYES (3)—Senators Karnette, Scott and Soto.

NOES (0)—None.

**SB 102**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 126**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 268**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 270**—Do pass

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 274**—Do pass

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 436**—Do pass

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 461**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 626**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

Date of Hearing: 3/24/03

Soto (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow (waives per diem).

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Morrow requested that when the Senate adjourns this day it do so in memory of 2Lt. Therrel S. Childers and LCpl. Jose Gutierrez of Camp Pendleton.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Denise Sykora of Forest Hill.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, March 27, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, March 27, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Ashburn will be excused this day on personal business and Senator Morrow (waives per diem) will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord,* Let the rain come and wash away the ancient grudges, the bitter hatreds held and nurtured over generations. Let the rain wash away the memory of the hurt, the neglect. Then let the sun come out and heal us with its warmth wherever we are broken. Let it burn away the fog that we might see each other clearly: seeing beyond labels, beyond accents, gender, or skin color. Let it melt our selfishness that we might share the joys and feel the sorrows of our neighbors. And let our hearts learn from the mountains to reach upward to the heavens. Then let the earth, nourished by the rain and the sun blossom forth so that all of creation might be surrounded with peace and beauty.

And let us pause for a moment to remember those who died this last week on both sides of the tragic conflict in the Middle East.—AMEN.

(Rabbi Harold S. Kushner, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Poochigian led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Agriculture and Water Resources**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 707

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 707**—An act to add Section 33488 to the Food and Agricultural Code, relating to dairy farms.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Date of Hearing, March 26, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

SB 43

SB 80

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 85**—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 270**—An act to add Section 31537 to the Government Code, relating to county employees' retirement systems.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 274**—An act to add Article 11.5 (commencing with Section 31770) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 436**—An act to amend Sections 22792 and 22850 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read second time, ordered engrossed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill 933**—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Dunn.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (ACR 48)**

Senator Ducheny asked for, and was granted, unanimous consent that ACR 48 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Assembly Concurrent Resolution 48**

**Assembly Concurrent Resolution 48**—Relative to Endometriosis Awareness Month.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SCR 8)**

Senator Battin asked for, and was granted, unanimous consent that SCR 8 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Senate Concurrent Resolution 8**

**Senate Concurrent Resolution 8**—Relative to Child Abuse Prevention Month.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (ACR 32)**

Senator Chesbro asked for, and was granted, unanimous consent that ACR 32 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Assembly Concurrent Resolution 32**

**Assembly Concurrent Resolution 32**—Relative to California Nonprofits and Philanthropy Week.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SR 12)**

Senator Ackerman asked for, and was granted, unanimous consent that SR 12 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Senate Resolution 12**

**Senate Resolution 12**—Relative to autism.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**REQUEST FOR UNANIMOUS CONSENT (ACR 52)**

Senator Torlakson asked for, and was granted, unanimous consent that ACR 52 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Assembly Concurrent Resolution 52**

**Assembly Concurrent Resolution 52**—Relative to mosquito and vector control.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn,

Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

#### **REQUEST FOR UNANIMOUS CONSENT (SR 15)**

Senator Burton asked for, and was granted, unanimous consent to take up SR 15 at this time, without reference to committee or file.

#### **Consideration of Senate Resolution 15**

**Senate Resolution 15**—Relative to the war in Iraq.

##### **Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS**

##### **Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Gary M. Cramer, Member, Court Reporters Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

##### **Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Cathryn I. Rivera-Hernandez, Member, Agricultural Labor Relations Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

John B. Sandman, Member, Contractors' State License Board.

Gary Gitnick, M.D., Member, Medical Board of California, Division of Licensing.

Salma Haider, Member, Medical Board of California, Division of Licensing.

Lorie G. Rice, Member, Medical Board of California, Division of Medical Quality.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Hacob Shirvanian, Member, Contractors' State License Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

William S. Breall, M.D., Member, Medical Board of California, Division of Medical Quality.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 83**—An act to amend Sections 53750 and 54984.7 of the Government Code, relating to local agency assessments.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 45**—An act to amend Section 44830 of the Education Code, relating to teachers.

Bill read third time and presented by Senator Vincent.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution 5**—Relative to the Giant Sequoia National Monument.

Resolution read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Senate Bill 412**—An act to amend Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, relating to fish and game.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Knight, Margett, and Oller.

Bill ordered transmitted to the Assembly.

**CONSENT CALENDAR**

**Senate Bill 7**—An act to amend Section 8256 of, to repeal Sections 1299, 1722, 33312, and 33317 of, and to repeal Article 2 (commencing with Section 33502) of, and Article 4 (commencing with Section 33550) of, Chapter 4 of Part 20 of, the Education Code, relating to education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Bill 66**—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 7902, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 38638, 50060.5, 53316.2, 55863, 61601.27, 61601.28, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 38301 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, to amend Sections 22010, 22012, 22017, and 22038 of the Public Contract Code, to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of, and to repeal Division 32 (commencing with Section 60000) and Division 32.5 (commencing with Section 60200) of, the Public Resources Code, to amend Sections 15961.5, 19014, and 100500 of the Public Utilities Code, to amend Section 35565.4 of, and to repeal Sections 21267, 30505, 35565.5, 33565.6, 35565.7, and 40501 of, the Water Code, and to add Section 5.20 to Chapter 283 of the Statutes of 1973, relating to local government.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 109**—An act to amend Section 33080.8 of the Health and Safety Code, relating to redevelopment.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1069**—An act to amend Section 93011 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**RECESS**

At 9:31 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 10 a.m., the Senate reconvened.  
Hon. Dede Alpert, of the 39th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Joint Resolution 9**—Relative to the California economy.  
Resolution read third time.

**Amendments Adopted**

Amendments to SJR 9 proposed by Senator Perata were read and adopted and the measure ordered printed, engrossed, and to second reading.

**REQUEST TO BE ADDED TO ROLL CALL**

March 27, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 45—Aye

JOHN L BURTON, President pro Tempore

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow (waives per diem).

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 10:03 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, March 28, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, March 27, 2003

The Committee on Rules has referred the following measures to committee:

**Environmental Quality**—SB 1074.

**Health and Human Services**—SCR 14.

**Judiciary**—AB 88.

**Public Safety**—AB 2.

**Transportation**—SCR 17.

The Committee on Rules has re-referred the following measures to committee:

**Agriculture and Water Resources and Environmental Quality**—SB 21, SB 794.

**Appropriations**—SB 179.

**Education**—SB 177, SB 257, SB 432.

**Energy, Utilities and Communications**—SB 72.

**Governmental Organization and Transportation**—SB 751.

**Health and Human Services**—SB 582, SB 591.

**Insurance and Health and Human Services**—SB 2.

**Judiciary**—SB 298, SB 523, SB 571.

**Judiciary and Environmental Quality**—SB 493.

**Public Safety**—SB 406, SB 463, SB 650.

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 76

SB 813

SB 290

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 76**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 813**—An act to amend Section 19605.3 of the Business and Professions Code, relating to horse racing.

Bill read second time.

**Senate Bill 290**—An act to amend Section 51220 of the Education Code, relating to instruction.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 24

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 142

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Insurance.

ORTIZ, Chair

Above measure re-referred to the Committee on Insurance.

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 370

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 664

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 413      SB 476      SB 847      SB 490

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 413**—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

Bill read second time.

**Senate Bill 476**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of, and to add Section 1797.98h to, the Health and Safety Code, relating to health.

Bill read second time.

**Senate Bill 847**—An act to add Section 1276.45 to the Health and Safety Code, relating to health facilities.

Bill read second time.

**Senate Bill 490**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, March 26, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 57

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

SB 608

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 608**—An act to amend Section 742.24 of the Insurance Code, relating to multiple employer welfare arrangements.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 97

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 97**—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 641

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 641**—An act to amend Section 82041.5 of, and to add Section 84305.7 to, the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 182

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ES CUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 182**—An act to amend Sections 681.030, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend

Section 17409 of the Welfare and Institutions Code, relating to exempt property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 418

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 418**—An act to repeal Section 2100 of the Fish and Game Code, relating to candidate, threatened, and endangered species.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 183

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 183**—An act to amend Section 383.5 of the Public Utilities Code, relating to energy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

SB 460

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 460**—An act to add Section 53030 to the Education Code, relating to school finance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Public Safety, to which were referred:

SB 131

SB 881

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 131**—An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

**Senate Bill 881**—An act to amend Section 3000 of the Penal Code, relating to corrections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Transportation, to which was referred:

SB 314

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 314**—An act to amend Section 10753.7 of the Revenue and Taxation Code, relating to vehicle license fees.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

### Committee on Education

Senate Chamber, March 27, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

SB 472

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 472**—An act to amend Section 49427 of, and to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of, the Education Code, relating to school health, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1075:** By the Committee on Health and Human Services (Senators Ortiz (Chair), Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent)—An act to add Section 138.6 to the Health and Safety Code, relating to women's health.

**Senate Bill 1076:** By the Committee on Health and Human Services (Senators Ortiz (Chair), Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent)—An act to amend Section 1771.7 of the Health and Safety Code, relating to care facilities.

#### COMMUNICATIONS

The following communication was ordered printed in the Journal:

March 25, 2003

*Greg Schmidt*

*Secretary of the Senate*

Dear Mr. Schmidt:

Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules met, respectively, and approved the following item:

- Press Credentials for the 2003–2004 Legislative Session (17–0)

Sincerely,

JOE NATION  
Chair

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Health and Human Services**

**SB 24**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Battin.

**SB 108**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Battin.

**SB 142**—Do pass and re-refer to Committee on Insurance

AYES (9)—Senators Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Battin.

**SB 151**—Do pass as amended and re-refer to Committee on Public Safety

AYES (9)—Senators Aanestad, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 211**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Battin.

**SB 250**—Do pass as amended and re-refer to Committee on Public Safety

AYES (2)—Senators Aanestad and Battin.

NOES (5)—Senators Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

Failed passage

**SB 250**—Reconsideration granted

AYES (7)—Senators Aanestad, Battin, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 267**—Do pass and re-refer to Committee on Appropriations.

AYES (2)—Senators Aanestad and Battin.

NOES (7)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

Failed passage

**SB 267**—Reconsideration granted

AYES (9)—Senators Aanestad, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 370**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 372**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Aanestad, Battin, Ortiz, Romero, and Vincent.

NOES (2)—Senators Chesbro and Vasconcellos.

Failed passage

**SB 372**—Reconsideration granted

AYES (7)—Senators Aanestad, Battin, Chesbro, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 664**—Do pass and re-refer to Committee on Appropriations.

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

**SB 984**—Do pass as amended and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 3/26/03

Ortiz (Chair)

#### **Committee on Revenue and Taxation**

**SB 43**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 80**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 92**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 103**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (1)—Senator Knight.

**SB 157**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (5)—Senators Alpert, Bowen, Burton, Cedillo, and Poochigian.

NOES (1)—Senator Knight.

**SB 180**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 3/26/03

Cedillo (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Cpl. Jose Garibay, USMC, of Costa Mesa.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Ernie Moore, of Linden.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Sgt. Michael E. Bitz, USMC, of Ventura.

Senator Murray requested that when the Senate adjourns this day it do so in memory of Joseph F. Powe, of Los Angeles.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Cpl. Jorge A. Gonzalez, USMC, of Rialto.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Jack Drago, of South San Francisco.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Tami Ginsburg of Studio City.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, March 28, 2003, or on call of the President pro Tempore.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Friday, March 28, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Battin, Bowen, Burton, Chesbro, Denham,  
Ducheny, Escutia, Florez, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Oller, Ortiz, Poochigian, Romero,  
Scott, Sher, Soto, and Vincent—26.

Quorum present.

*(NOTE: Senators Aanestad, Alpert, Brulte, Cedillo, Dunn, Figueroa, Hollingsworth, Morrow (waives per diem), Murray, Perata, Speier, Torlakson, and Vasconcellos will be excused this day on legislative business and Senator Ashburn will be excused this day on personal business.)*

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, March 28, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 599

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 599**—An act relating to drug diversion.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, March 28, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 106

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 106**—An act to add Chapter 3.37 (commencing with Section 1596.69) to Division 2 of the Health and Safety Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, March 28, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 339

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ES CUTIA, Chair



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 683**—An act to add Article 7 (commencing with Section 49085) to Chapter 6.5 of Part 27 of the Education Code, relating to education.

Bill read second time.

**Senate Bill 678**—An act to add Sections 35182.6, 49431.2, 49431.3 to the Education Code, relating to pupils.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, March 28, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which were referred:

SB 312

SB 543

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 312**—An act to amend Sections 65591 and 65591.5 of, to amend the heading of Article 10.8 (commencing with Section 65591) of Division 1 of Title 7 of, and to add Section 65591.3 to, the Government Code, relating to water conservation.

Bill read second time.

**Senate Bill 543**—An act to amend Section 2100 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1077:** By the Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, and Machado)—An act to amend Sections 27, 1271, 2027, 2060, 2135.5, 2190.5, 2386, 2441, 2442, 2570.4, 4980.43, 4980.57, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, and 4996.23 of, to amend and repeal Section 4997 of, and to repeal Section 2106 of, the Business and Professions Code, relating to healing arts.

**Senate Bill 1078:** By the Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, and Machado)—An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 7143, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, relating to professions and vocations.

**Senate Bill 1079:** By the Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, and Machado)—An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

**Senate Bill 1080:** By the Committee on Business and Professions (Senators Figueroa (Chair), Aanestad, Brulte, Cedillo, Machado, Murray, and Vincent)—An act to amend Sections 5061, 5081, 5081.1, 5082, 5082.2, 5107, 5134, and 7583.9 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Joint Resolution 9**—Relative to the California economy.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 57**—An act to add Section 1182.12 to the Labor Code, relating to wages.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### SPECIAL CONSENT CALENDAR SET

Without objection, the following measures were set as a Special Consent Calendar to be taken up on Thursday, April 3, 2003

SB 1072      SB 499      SB 450      SB 436

#### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alpert, Brulte, Cedillo, Dunn, Figueroa, Hollingsworth, Morrow (waives per diem), Murray, Perata, Speier, Torlakson, and Vasconcellos.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Sher requested that when the Senate adjourns this day it do so in memory of Rolfe A. Faste of Stanford.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Elizabeth Treadway of Irvine.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 1, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, April 1, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—36.

Quorum present.

*(NOTE: Senator Battin will be excused this day on legislative business, Senator Vincent will be excused this day due to illness, and Senators Aanestad and Alpert will be excused this day due to a death in the family.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 63

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, April 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 78

AB 949

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 63**—Relative to Cesar Chavez Day.

**Assembly Bill 78**—An act to add Section 51221.4 to the Education Code, relating to curriculum.

**Assembly Bill 949**—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

**REPORTS OF STANDING COMMITTEES****Committee on Labor and Industrial Relations**

Date of Hearing, March 26, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 158

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 540

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 540**—An act to add Section 1569.682 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

SB 54

SB 619

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 54**—An act to amend Section 18610.5 of, and to add Sections 18407 and 18408 to, the Health and Safety Code, relating to mobilehomes.

Bill read second time.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30500.1 of the Public Resources Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 25, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 217

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Date of Hearing, March 25, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SJR 8

Reports the same back with the recommendation: Be adopted as amended.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 789

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 789**—An act relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 68

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 68**—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 389

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 389**—An act relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 291

SB 442

SB 570

SB 761

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 291**—An act to amend Sections 626, 626.5, 627, 628, 628.1, and 629 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

**Senate Bill 442**—An act to amend Section 841 of the Welfare and Institutions Code, relating to home supervision of juveniles.

Bill read second time.

**Senate Bill 570**—An act to add Section 12171.5 to the Government Code, and to amend Section 830.1 of the Penal Code, relating to county employees.

Bill read second time.

**Senate Bill 761**—An act to amend Section 1802.1 of the Insurance Code, and to amend Sections 1278, 1287, and 1308 of the Penal Code, relating to bail services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Date of Hearing, March 26, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 103

SB 157

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measures ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, April 1, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 110

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 110**—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.



**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 974** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules;

**SB 1016** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules;

**SB 398** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Business and Professions;

**SB 472** was withdrawn from the Committee on Education and re-referred to the Committee on Rules;

**SB 707** was withdrawn from the Committee on Agriculture and Water Resources and re-referred to the Committee on Rules; and

**SB 1011** was withdrawn from the Committee on Public Employment and Retirement and re-referred to the Committees on Labor and Industrial Relations and Public Employment and Retirement.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 903**—An act to amend the heading of Chapter 9.5 (commencing with Section 13885) of Title 6 of Part 4 of, and to amend Section 13885.1 of, the Penal Code, relating to the Sexual Predator Apprehension Team force.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: December 20, 2002, relating to the Residential Mortgage Lending Act was received from the Business, Transportation and Housing Agency and transmitted to the Committee on Business and Professions.

The January quarterly report dated: December 20, 2002, relating to the Low-Income Home Energy Assistance program was received from the Department of Community Services and Development and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: December 31, 2002, relating to the Funding California's Pesticide Regulatory Program was received from the Department of Pesticide Regulation and transmitted to the Committee on Environmental Quality.

A report dated: February 11, 2003, relating to lifer parole hearings was received from the Board of Prison Terms and transmitted to the Committee on Public Safety.

A report dated: March 6, 2003, relating to Family Law Information Centers, Pilot programs was received from the Judicial Council of California and transmitted to the Committee on Public Safety.

A report dated: March 6, 2003, relating to the Substance Abuse Treatment programs was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 6, 2003, relating to Higher Education Capital Outlay Bond Funds was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 10, 2003, relating to the Workers' Compensation program was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 11, 2003, relating to the English Language and Intensive Literacy program was received from the Department of Education and transmitted to the Committee on Education.

The annual report dated: March 12, 2003, was received from the Department of Boating and Waterways and transmitted to the Committee on Transportation.

A report dated: March 13, 2003, relating to the Average interest Rate was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

A report dated: March 13, 2003, relating to cash flow was received from the Department of Veterans Affairs and transmitted to the Committee on Budget and Fiscal Review.

The December semiannual report dated: March 14, 2003, relating to financial statements prepared from books without audit was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: March 14, 2003, relating to the Gang Violence Suppression program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 14, 2003, relating to group care in a family-based care system was received from the Department of Social Services and transmitted to the Committee on Health and Human Services.

A report dated: March 17, 2003, relating to access to mental health services by sufferers of Alzheimer's and related disorders was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: March 17, 2003, relating to the Department of Transportation's Storm Water Management practices was received from the Department of Finance and transmitted to the Committee on Budget and Fiscal Review.

An Initiative Title and Summary dated: March 17, 2003, relating to Statewide Elections. Fines and Failure to Register or Vote. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 17, 2003, relating to the Judicial Efficiency and Modernization Fund was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 17, 2003, relating to the Trial Court Improvement Fund was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 17, 2003, relating to Trial Court Expenditures was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

The September quarterly report dated: March 18, 2003, relating to Energy Resources Scheduling activities was received from the Department of Water Resources and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: March 18, 2003, relating to the expansion of the El Protector community outreach program was received from the California Highway Patrol and transmitted to the Committee on Budget and Fiscal Review.

The annual report dated: March 19, 2003, was received from the Employment Training Panel and transmitted to the Committee on Labor and Industrial Relations.

A report dated: March 25, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: March 20, 2003, relating to consultant services contracts was received from the Department of Education and transmitted to the Committee on Governmental Organization.

A report dated: March 21, 2003, relating to companies connected to slave labor and forced labor practices during WWII was received from the State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: March 21, 2003, relating to Northern Ireland was received from the State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

An audit report dated: March 26, 2003, relating to statewide procurement practices was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: March 26, 2003, relating to the Lifetime License program was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: March 26, 2003, relating to the Ocean Resources Enhancement and Hatchery program was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Wildlife.

An initiative title and summary dated: March 26, 2003, relating to Peace Policy. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 26, 2003, relating to expenditures by the Department of Licensing, Compliance and Administration was received from the Department of Alcoholic Beverage Control and transmitted to the Committee on Business and Professions.

A report dated: March 26, 2003, relating to the California Witness Protection program was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Public Safety**

**SB 44**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Burton and Sher.

Failed passage

**SB 44**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 52**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed passage

**SB 52**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 131**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 316**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 876**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

**SB 876**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 877**—Do pass

AYES (2)—Senators Margett and McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed passage

**SB 877**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 878**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

**SB 878**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 879**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 880**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed passage

**SB 880**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 882**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Sher.

Failed passage

**SB 882**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 4/1/03

McPherson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Battin.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to a death in the family: Senators Aanestad and Alpert.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, April 2, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-SECOND LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, April 2, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Morrow will be excused this day due to illness and Senator Aanestad will be excused this day due to a death in the family.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

State Capitol, April 2, 2003

Mr. President: The Senate Rules Committee has appointed the following members to the Select Committee on California-Mexico Cooperation to fill the three remaining vacancies: Senators Ashburn, Escutia and Soto.

The Senate Rules Committee has extended the Select Committee to Investigate Price Manipulation of the Wholesale Energy Market through April 30, 2003.

BURTON, Chair

**Committee on Rules**

State Capitol, April 2, 2003

The Committee on Rules has referred the following measure to committee:

**Public Safety**—AB 949.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 419

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 419**—An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 1, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 79

SB 328

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 523

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bill ordered to second reading.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 399

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUZIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 600

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Date of Hearing, March 24, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 31

SB 252

Reports the same back with the recommendation: Do pass as amended.

FIGUEROA, Chair

Above measures ordered to second reading.

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 33

SB 821

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 33**—An act to amend Section 17591 of the Business and Professions Code, relating to telephone solicitations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 821**—An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, relating to business ethics.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 617

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 617**—An act to add Section 1640 of the Health and Safety Code, relating to tissue banks.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

SB 448

SB 641

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

PERATA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 1024

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

PERATA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing, April 1, 2003

Mr. President: The Committee on Transportation, to which were referred:

SB 378

SB 380

SB 403

SB 509

SB 552

SB 637

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Agriculture and Water Resources**

Date of Hearing, April 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 654

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

MACHADO, Chair

Above measure ordered to second reading.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 909

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

SB 486      SB 565      SB 603      SB 1026

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Natural Resources and Wildlife**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

SB 236      SB 245

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 236**—An act to add Section 8841 of the Fish and Game Code, relating to fishing, and making an appropriation therefor.

Bill read second time.

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, April 1, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SCA 7

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Constitutional Amendments.

MURRAY, Chair

Above measure re-referred to the Committee on Constitutional Amendments.

**Committee on Rules**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 546

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 546**—An act to amend Section 1417.1 of the Health and Safety Code, relating to long-term health care facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 491

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 491**—An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 27

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 27**—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 726

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 726**—An act to repeal Sections 5098 and 5098.5 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 26, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 984

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 542

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 542**—An act to amend Sections 12090, 12091, 12092, 12093, 12094, 66010.6, 66903, 94770, and 94780 of, to amend and renumber Sections 94900, 94901, and 94905 of, to add a chapter heading immediately preceding Section 94250 of, and to repeal the heading of Article 8 (commencing with Section 94900) of Chapter 7 of Part 59 of, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 19, 2003

Mr. President: The Committee on Education, to which was referred:

SB 81

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Education, to which was referred:

SB 644

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Education, to which were referred:

SB 242

SB 279

SB 469

SB 628

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Date of Hearing, March 26, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 92

SB 180

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measures ordered to second reading.

**Committee on Local Government**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 487

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 446

SB 699

SB 756

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

TORLAKSON, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 303

SB 392

SB 410

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 190

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 190**—An act to amend Sections 12126, 12130, and 12132 of, and to add Article 4.7 (commencing with Section 12089) to Chapter 1 of Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, March 25, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 649

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 291** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Joint Resolution 13:** By Senators Florez, Alpert, Burton, and Figueroa (Coauthors: Assembly Members Bermudez, Chavez, Diaz, and Parra)—Relative to immigrant military personnel.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 158**—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 217**—An act to add Sections 4566 and 4582.1 to the Public Resources Code, relating to forest resources.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Joint Resolution 8**—Relative to saltcedar (Tamarix) eradication.

Resolution read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 103**—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 157**—An act relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 102**—An act to amend Sections 22121, 22134.5, 22720, 24203.5, and 24203.6 of the Education Code, relating to state teachers' retirement.

Bill read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### SENATE COMMITTEE ROLL CALLS

##### Committee on Agriculture and Water Resources

**SB 21**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (9)—Senators Bowen, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, and Torlakson.

NOES (0)—None.

**SB 486**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 565**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 603**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 654**—Do pass, to Consent Calendar

AYES (10)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 909**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 1026**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

Date of Hearing: 4/1/03

Machado (Chair)

**Committee on Education**

**SB 140**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 242**—Do pass and re-refer to Committee on Appropriations.

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 263**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (2)—Senators Knight and McPherson.

NOES (3)—Senators Alpert, Karnette, and Speier.

Failed passage

**SB 263**—Reconsideration granted

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 279**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 409**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 469**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

**SB 611**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 628**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 644**—Do pass, to Consent Calendar

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 955**—Do pass as amended

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 964**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 967**—Do pass as amended and re-refer to Committee on Business and Professions

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 4/2/03

Vasconcellos (Chair)

**Committee on Elections and Reapportionment****SB 448**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Johnson, Perata, and Poochigian.

NOES (0)—None.

**SB 604**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Johnson, Perata, and Poochigian.

NOES (0)—None.

**SB 641**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Johnson, Perata, and Poochigian.

NOES (0)—None.

**SB 1024**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (4)—Senators Escutia, Johnson, Perata, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/2/03

Perata (Chair)

**Committee on Judiciary****SB 59**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 79**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 169**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 182**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Ackerman, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 328**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 399**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 523**—Do pass

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.  
NOES (0)—None.

**SB 600**—Do pass, to Consent Calendar

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.  
NOES (0)—None.

Date of Hearing: 4/1/03

Escutia (Chair)

**Committee on Local Government****SB 114**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.  
NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 303**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.  
NOES (0)—None.

**SB 321**—Do pass as amended and re-refer to Committee on Rules

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.  
NOES (1)—Senator Margett.

**SB 341**—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.  
NOES (0)—None.

**SB 392**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.  
NOES (0)—None.

**SB 410**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.  
NOES (0)—None.

**SB 446**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.  
NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 487**—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.  
NOES (0)—None.

**SB 699**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.  
NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 756**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, and Torlakson.

NOES (0)—None.

**SB 999**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

Date of Hearing: 4/2/03

Torlakson (Chair)

**Committee on Transportation****SB 60**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

**SB 234**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Brulte, McClintock, and Soto.

NOES (4)—Senators Florez, Karnette, Murray, and Torlakson.

Failed passage

**SB 378**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 380**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Ashburn, Brulte, Florez, McClintock, Morrow, Murray, Perata, Scott, Speier, and Torlakson.

NOES (0)—None.

**SB 403**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Brulte, McClintock, and Morrow.

**SB 509**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 541**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Figueroa, Karnette, and Torlakson.

NOES (4)—Senators Brulte, Florez, McClintock, and Morrow.

Failed passage

**SB 541**—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Failed passage

**SB 552**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 612**—Do pass as amended

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 637**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SCA 7**—Do pass and re-refer to Committee on Constitutional Amendments

AYES (12)—Senators Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 4/1/03

Murray (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Morrow.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Aanestad.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, April 3, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, April 3, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senator Ortiz will be excused this day on legislative business, Senator Aanestad will be excused this day due to a death in the family, and Senator Bowen will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Thank You for Your peace in the midst of the storm. Thank You for Your patchwork when we're tattered and worn. Thank You for Your mercy when we stumble and fall. Thank You for listening to our prayers when we call. Thank You for Your faithfulness, a blessing we're undeserving of. Thank You for Your priceless gift of unconditional love. Thank You, Lord, for those who defend by their deeds, who put our safety first, ahead of personal needs. Thank You, Lord, for loving us this way and allowing us the opportunity to serve You each day.

And let us remember those who died this last week on both sides of the tragic conflict in the Middle East.—AMEN.

(Stacy De Deo, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Vincent led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Energy, Utilities and Communications**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 173

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 173**—An act to add Section 17206.7 to the Business and Professions Code, and to add Section 391.1 to the Public Utilities Code, relating to energy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, April 3, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 949

Reports the same back with the recommendation: Do pass.

McPHERSON, Chair

**REQUEST FOR UNANIMOUS CONSENT (SJR 13)**

Senator Florez asked for, and was granted, unanimous consent that SJR 13 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Senate Joint Resolution 13**

**Senate Joint Resolution 13**—Relative to immigrant military personnel.  
Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**Request for Unanimous Consent**

Senator Johnson asked for, and was granted, unanimous consent that all members voting “Aye” be added as coauthors to SJR 13.

Resolution ordered transmitted to the Assembly.

**RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Dunn:

*Resolved*, That AB 949 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read and presented by Senator Dunn.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**Consideration of Assembly Bill 949**

**Assembly Bill 949**—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 949**—An act to amend Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 523**—An act to amend Section 912 of the Civil Code, relating to construction defects.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 600**—An act to amend Sections 853, 855, 1766, 1971, 2154.2, 4409, 4848, 19613, and 19617.5 of, and to add a heading to Article 7.5 (commencing with Section 17582) of Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, to amend Sections 48, 941, 1102.6, 1102.6b, 1714, 1936, 1946.1, 1954, 2924j, and 2941 of the Civil Code, to amend Sections 17, 170.6, 179, 437c, 1208.5, 1420, and 1607 of the Code of Civil Procedure, to amend Sections 2117 and 25118 of the Corporations Code, to amend Sections 430, 446, 8483, 8499.5, 8813, 17073.25, 20091, 22138.5, 25103, 35401, 35534, 35738, 37220.8, 37252.1, 41329.3, 41344, 42127, 42238.46, 42238.53, 44775.4, 44775.6, 44775.7, 44775.8, 44830.3, 47605.3, 47614.5, 47632, 48927, 51122, 51226.1, 51226.3, 51700, 52053, 52056, 52071, 52073, 53082, 54201, 56021.1, 56046, 56341.5, 56383, 59008, 59104, 59205, 60246, 60900, 66025.3, 67385.3, 70010, 94140, 94154, 94771, and 99235 of the Education Code, to amend Sections 13102, 13107, and 19227 of the Elections Code, to amend Sections 3048, 3118, 8802, 9210, 9212, and 17506 of the Family Code, to amend Section 1226 of, and to amend the heading of Article 1 (commencing with Section 3100) of Chapter 17 of Division 1 of, the Financial Code, to amend Sections 1019, 2081.7, 2086, 2118, 3508, and 6954 of the Fish and Game Code, to amend Sections 9221, 12999.5, and 79008 of the Food and Agricultural Code, to amend Sections

3309.5, 3517.61, 3562, 3593, 6527, 7579.5, 8314, 8592.4, 8670.40, 10201, 10202, 10203, 10204, 10206, 11121, 12965, 14838.5, 14838.7, 14981, 19142, 19775.17, 19775.18, 19827, 19867, 19997.3, 20057, 20501, 20610, 20611, 20677, 20677.4, 20752, 20902.5, 21220, 21362.3, 21465, 22009.03, 22009.1, 22018, 22156, 22502, 22754, 22810, 22840.2, 23119, 26608.3, 30061, 30063, 31520.1, 31629.5, 31787.6, 45310.7, 53216.8, 53601.7, 53635, 57116, 68085, 68095, 68115, 68620, 69587, 69588, 70367, 70391, 70392, 71601, 71615, 71632.5, 71636, 71636.3, 73665, 73757, and 82011 of, and to amend and renumber Section 26638.5 of, the Government Code, to amend Sections 1339.63, 1368.015, 1368.02, 1797.115, 1797.196, 11571, 11581, 18943, 25249.7, 42801.1, 44299.80, 50199.74, 52075.1, 100870, 102247, 113995, 115000.1, 115928, 122137, 123418, 123464, and 125116 of, and to amend and renumber Section 121140 of, the Health and Safety Code, to amend Sections 1211 and 10235.52 of the Insurance Code, to amend Sections 98.2, 176, 230.1, 1776, and 3099.3 of the Labor Code, to amend Sections 179, 395.3, 406, and 1035.6 of, and to amend and renumber Sections 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 of, the Military and Veterans Code, to amend Sections 132.5, 171.5, 337u, 383c, 424, 5971, 808, 1089, 1203.3, 1240.1, 1463, 1524.1, 11171, 11199, 11226, 11230, 12087.5, and 13823.9 of, and to repeal Article 4.5 (commencing with Section 12087) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, to amend Sections 10524 and 20103.8 of the Public Contract Code, to amend Sections 4114.5, 4123, 5090.37, 5631, 6307.1, 21098, 25534, 30812, 31119, and 40507 of, and to amend and renumber Sections 21061.0.5 and 30950 of, the Public Resources Code, to amend Sections 334, 345, 346, 350, 360, 362, 394.25, 398.4, 5411.5, 7000, 15704, 132353.2, 132370.5, 132370.6 of, and to amend and renumber Sections 132632 and 132634 of, the Public Utilities Code, to amend Sections 96.1, 408, 426, 998, 2921.5, 7280, 7286.24, 17041, 17052.2, 17052.6, 17062, 17952.5, 18713, 18716, 18831, 19006, 20503, 20563, 23701t, 60361.5, and 60401 of, and to amend and renumber the heading of Chapter 2.98 (commencing with Section 7286.75) of Part 1.7 of Division 2 of, the Revenue and Taxation Code, to amend Sections 216.5, 390, and 27322 of the Streets and Highways Code, to amend Sections 411 and 15051 of the Unemployment Insurance Code, to amend Sections 5068, 9250.19, 9554, 11614.1, 11701, 11711.3, 12509, 21228, 21655.3, 23109.2, and 42011 of the Vehicle Code, to amend Sections 1013, 12949.6, 12994, 13307.1, 22762, 75480, 79420, and 79460 of, and to amend the heading of Article 1 (commencing with Section 71660) of Chapter 3 of Part 5 of Division 20 of, the Water Code, to amend Sections 225.05, 366.4, 1719, 4015, 4094, 4503, 5205, 5346, 5405, 11450, 11451.5, 11462, 14105.95, 14105.96, 14172, 15610.37, and 18969 of the Welfare and Institutions Code, and to amend Sections 12.5, 13, 13.5, 14 of Chapter 1449 of the Statutes of 1951, Section 1 of Chapter 483 of, Section 1 of Chapter 575 of, Section 1 of Chapter 583 of, Section 1 of Chapter 697 of, Section 5 of

Chapter 1020 of, and Section 1 of Chapter 1060 of the Statutes of 2002, relating to maintenance of the codes.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 31**—An act to amend Sections 7195 and 7197 of, and to add Sections 7196.2, 7197.5, 7197.7, and 7198.5 to, the Business and Professions Code, relating to home inspections.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 252**—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 654**—An act to amend Sections 10644 and 10753.7 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 984**—An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend Sections 15100 and 15763 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 81**—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 644**—An act to amend Sections 45330, 45344.5, and 45361.5 of the Education Code, relating to paraprofessionals.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 92**—An act to repeal and add Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 180**—An act to amend Section 18803 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 487**—An act to amend Section 56857 of the Government Code, relating to local agency reorganization.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 303**—An act to add Section 53313.51 to the Government Code, relating to community facilities districts.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 392**—An act to amend Sections 10301, 10311.1, 10353, and 10366 of, and to repeal Sections 10310, 10310.2, and 10311 of, the Streets and Highways Code, relating to local agency assessments.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 410**—An act to amend Section 97.31 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 649**—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of, and to add Section 2797 to, the Public Resources Code, relating to mining.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### CONSENT CALENDAR

##### Objection Raised

Senator Burton objected to **SB 499** being on the Special Consent Calendar.

The President ordered the above measure placed on the third reading file.

**Senate Bill 621**—An act to amend Section 23104.2 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Bill 1072**—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 450**—An act to amend Section 207 of the Penal Code, relating to kidnapping.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 436**—An act to amend Sections 22792 and 22850 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Ortiz.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Aanestad.

The following Senator was granted leave of absence for the day due to illness: Senator Bowen.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until 1:30 p.m., Monday, April 7, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 15

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

Assembly Chamber, April 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 223

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 223**—An act to amend Section 98.2 of the Labor Code, relating to employment.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, April 3, 2003

The Committee on Rules has referred the following measures to committee:

**Business and Professions**—SB 1077, SB 1079, SB 1080.

**Education**—AB 78.

**Health and Human Services**—SB 1075, SB 1076.

**Judiciary**—AB 167.

**Public Safety**—AB 70, AB 150.

**Veterans Affairs**—AJR 5.

The Committee on Rules has referred the following measure to two committees:

**Business and Professions and Judiciary**—SB 1078.

The Committee on Rules has re-referred the following measures to committee:

**Education**— SB 76, SB 290.

**Environmental Quality**—SB 472, SB 707.

**Governmental Organization**—SB 813, SB 974.

**Health and Human Services and Rules**—SB 522.

**Labor and Industrial Relations**—SB 228.

**Public Safety**—SB 599.

**Revenue and Taxation**—SB 389, SB 1016.

#### **Committee on Governmental Organization**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 88

SB 911

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

**Senate Bill 911**—An act to add Section 53115.4 to the Government Code, relating to emergency services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 402

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 402**—An act to add Chapter 3.61 (commencing with Section 7290.1) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 13

SB 981

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 13**—An act to amend Sections 114710, 114990, and 115060 of, to add Section 25203.5 to, and to add Chapter 10 (commencing with Section 115300) to Part 9 of Division 104 of, the Health and Safety Code, and to add Section 43022.5 to the Public Resources Code, relating to radiation.

Bill read second time.

**Senate Bill 981**—An act to add Division 29 (commencing with Section 38000) to the Public Resources Code, relating to petroleum pollution.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 228

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 228**—An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

SB 172

SB 353

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 172**—An act to amend Sections 7073, 7073.8, and 7073.9 of, and to add Section 7073.3 to, the Government Code, relating to economic development.

Bill read second time.

**Senate Bill 353**—An act to amend Section 51335 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 792

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 792**—An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 978

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 978**—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 377

SB 831

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 106

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

ORTIZ, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 490

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business and Professions.

ORTIZ, Chair

Above measure re-referred to the Committee on Business and Professions.

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 936

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 936**—An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 250

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 250**—An act to amend Sections 11165.7 and 11166 of the Penal Code, relating to mandated reporters.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 354

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Labor and Industrial Relations.

SPEIER, Chair

Above measure re-referred to the Committee on Labor and Industrial Relations.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 581

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SPEIER, Chair

Above measure ordered to second reading.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 580

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 673

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

#### **Committee on Public Employment and Retirement**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 836

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 836**—An act to add Section 20423.7 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 748

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 748**—An act relating to veterans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, March 25, 2003

Mr. President: The Committee on Public Safety, to which was referred:  
SB 255

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, April 3, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 278

SB 337

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 278**—An act to amend Section 3041 of, and to add Section 2654 to, the Penal Code, relating to prisoners.

Bill read second time.

**Senate Bill 337**—An act to amend Section 803 of the Penal Code, relating to limitations of time.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURE**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1081:** By the Committee on Health and Human Services (Senators Ortiz (Chair), Alarcón, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent)—An act to amend Sections 1603.1, 1603.2, 1603.3, and 1603.4 of the Health and Safety Code, relating to human blood.

**SENATE COMMITTEE ROLL CALLS****Committee on Health and Human Services**

**SB 106**—Do pass and re-refer to Committee on Public Safety

AYES (7)—Senators Alarcón, Battin, Chesbro, Florez, Kuehl, Ortiz, and Vincent.

NOES (0)—None.

**SB 377**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Chesbro, Florez, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 490**—Do pass and re-refer to Committee on Business and Professions

AYES (7)—Senators Alarcón, Chesbro, Florez, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (1)—Senator Battin.

**SB 496**—Do pass as amended and re-refer to Committee on Public Safety, with the recommendation: To Consent Calendar

AYES (8)—Senators Alarcón, Battin, Chesbro, Florez, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 828**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, and Vincent.

NOES (1)—Senator Battin.

**SB 831**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Chesbro, Florez, Kuehl, Ortiz, and Vincent.

NOES (0)—None.

Date of Hearing: 4/2/03

Ortiz (Chair)

**Committee on Insurance**

**SB 64**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Figueroa, Perata, Soto, and Speier.

NOES (2)—Senators Johnson and Oller.

**SB 200**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Figueroa, Johnson, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 354**—Do pass and re-refer to Committee on Labor and Industrial Relations

AYES (6)—Senators Escutia, Johnson, Oller, Perata, Soto, and Speier.

NOES (0)—None.

**SB 580**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Escutia, Figueroa, Johnson, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 581**—Do pass, to Consent Calendar

AYES (7)—Senators Escutia, Figueroa, Johnson, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 618**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Figueroa, Johnson, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 673**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Johnson and Oller.

Date of Hearing: 4/2/03

Speier (Chair)

#### **Committee on Public Safety**

**AB 949**—Do pass

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 4/3/03

McPherson (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senators Burton and Alpert requested that when the Senate adjourns this day it do so in memory of Senator Alpert's father Mark Whittleton of San Diego.

Senators Burton and Ortiz requested that when the Senate adjourns this day it do so in memory of Michael Remy of Sacramento.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of LCpl. Patrick O'Day, USMC, of Santa Rosa.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Capt. Aaron J. Contreras, USMC, of Temecula.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Randy Smith of Yorba Linda.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Katy Yslas-Yent of Barstow.

Senator Machado requested that when the Senate adjourns this day it do so in memory of GSgt. Joseph Menusa, USMC, of Tracy, LCpl. Michael Jason William, USMC, of Vacaville, and Clifford Dale Wunsch of Stockton.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Lloyd Berlin of Santa Cruz and Catherine Mary Morrison of Rocklin.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Isabel (Belle H.) Garcia of Elk Grove.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Minas M. Devejian, Alice Louise Magarian, and Berjouhi Frankian Mardikian of Fresno.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, April 7, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, April 7, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Brulte will be excused this day on personal business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Great Spirit, God, Creator of All*, We welcome You into our hearts, minds, bodies and souls. Grant us the wisdom to heed our inner voice and the strength to stay grounded while we sing our sacred songs. Guide us along our chosen paths and give us the courage to pursue our wildest dreams. We thank You for the lessons and for the struggles You have placed before us, for they keep us mindful of what has brought us to where we are today. Open our hearts to Your healing wholeness through which we are all related and through which we find serenity. Great Spirit, God, Creator of All, we pray that You cleanse our spirits and wash our souls, that there may always be room for You there.—AMEN.

(Laurel Singing Water Cat, adapted)

**Senator Alpert Presiding****MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 3, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 64

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, April 7, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 22

Above measure ordered enrolled.

Assembly Chamber, April 7, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 459

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 64**—Relative to Sexual Assault Awareness Month.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health and Human Services**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 38

SB 679

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 38**—An act to amend Sections 12811 and 13005 of the Vehicle Code, relating to organ and tissue donation.

Bill read second time.

**Senate Bill 679**—An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 304

SB 711

SB 1004

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 304**—An act relating to service stations.

Bill read second time.

**Senate Bill 711**—An act to amend Section 21080.5 of, and to add Sections 21080.06 and 21100.05 to, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 1004**—An act to add Sections 13272.2 and 13272.3 to the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 129

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 129**—An act to amend Section 68502.5 of the Government Code, relating to trial courts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, March 25, 2003

Madam President: The Committee on Public Safety, to which was referred:

SB 221

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

SB 39

SB 892

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 39**—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 892**—An act to amend Section 17582 of the Education Code, relating to public schools.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 189

SB 595

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 189**—An act relating to environmental health.

Bill read second time.

**Senate Bill 595**—An act to amend Section 401 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 108

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Date of Hearing, April 7, 2003

Madam President: The Committee on Business and Professions, to which were referred:

SB 33

SB 545

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Insurance**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

SB 26

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 26**—An act to amend the heading of Article 1.5 (commencing with Section 510) of Chapter 1 of Division 2 of, and to add Section 513 to, the Business and Professions Code, relating to health care providers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 589

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 589**—An act to amend Sections 84101, 84103, 84108, and 84203 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 572

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 572**—An act to amend Section 2830 of the Fish and Game Code, relating to natural community conservation planning.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 1062

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1062**—An act to amend Sections 63.1, 69.5, 75.31, 155, 194, 218, 423, 439.2, 534, 1609.5, and 1841 of, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 211

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, March 26, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 151

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Rules**

Date of Hearing, April 7, 2003

Madam President: The Committee on Rules, to which was referred:

SJR 1

Reports the same back with the recommendation: Be adopted.

BURTON, Chair

Above resolution ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT (SB 459)**

Senator Burton asked for, and was granted, unanimous consent to take up SB 459 at this time, without reference to file.

**Consideration of Senate Bill 459****Consideration of Assembly Amendments**

**Senate Bill 459**—An act to amend Sections 731, 779, 780, 1000.7, 1009, 1176, 1177, 1178, 1179, 1703, 1712, 1714, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1725, 1726, 1732.8, 1737, 1737.1, 1752.82, 1754, 1757, 1760, 1765, 1766, 1766.1, 1767.1, 1767.3, 1767.4, 1767.5, 1768.10, 1772, 1778, 1780, 1781, 1800, 1802, and 1830 of, to add Sections 1731.8 and 1800.5 to, and to repeal Sections 1724 and 1727 of, the Welfare and Institutions Code, relating to juvenile offenders, making an appropriation therefor, to take effect immediately, as an appropriation for the usual and current expenses of the state.

Measure presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 459?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

**AYES (38)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

Above measure ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT (SJR 1)**

Senator Poochigian asked for, and was granted, unanimous consent to take up SJR 1 at this time, without reference to file.

**Consideration of Senate Joint Resolution 1**

**Senate Joint Resolution 1**—Relative to the Armenian Genocide.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

**AYES (38)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**Request for Unanimous Consent**

Senator Poochigian asked for, and was granted, unanimous consent that all members voting "Aye" be added as coauthors to SJR 1.

Resolution ordered transmitted to the Assembly

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 581**—An act to amend Section 1358.11 of the Health and Safety Code, and to amend Sections 10192.11 and 11703 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 255**—An act to add Section 12077.5 to the Penal Code, relating to firearms.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Alpert moved that **SB 252** be placed on the inactive file.

Motion carried.

**RECESS**

At 2:28 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 2:28 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS**

**Senate Bill 85**—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (24)**—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (13)**—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 270**—An act to add Section 31537 to the Government Code, relating to county employees' retirement systems.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 274**—An act to add Article 11.5 (commencing with Section 31770) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 155**—An act to amend Section 1091 of the Government Code, relating to public officers.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette,

Kuehl, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Bowen, Dunn, Hollingsworth, Knight, Machado, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 31**—An act to amend Sections 7195 and 7197 of, and to add Sections 7195.5, 7196.2, 7197.5, and 7198.5 to, the Business and Professions Code, relating to home inspections.

Bill read third time and presented by Senator Figueroa.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Hollingsworth, Knight, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### **CONSENT CALENDAR**

##### **Objection Raised**

Senator Hollingsworth objected to **SB 392** being on the Consent Calendar.

The President ordered the above measure placed on the third reading file.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on April 10:

SB 903            SB 523            SB 487            SJR 8

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Brulte.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 2:45 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, April 8, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 7, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 55	AB 186	AB 282
AB 286	AB 447	AB 656
AB 693	AB 918	AB 1384

Assembly Chamber, April 7, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 2	ACR 7	ACR 30	ACR 39
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E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 55**—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 186**—An act to amend Sections 4059, 4060, and 4061 of the Business and Professions Code, relating to optometrists.

**Assembly Bill 282**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

**Assembly Bill 286**—An act to add Section 3125 to the Civil Code, relating to mechanics' liens.

**Assembly Bill 447**—An act to amend Section 3154 of the Civil Code, relating to lien claims.

**Assembly Bill 656**—An act to add Section 4001.5 to the Family Code, relating to child support.

**Assembly Bill 693**—An act to amend Section 798.86 of the Civil Code, relating to mobilehome parks.

**Assembly Bill 918**—An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

**Assembly Bill 1384**—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

**Assembly Concurrent Resolution 2**—Relative to the William H. Lancaster Memorial Freeway.

**Assembly Concurrent Resolution 7**—Relative to California Highway Patrol Officer Don J. Burt Memorial Highway.

**Assembly Concurrent Resolution 30**—Relative to William “Bill” Lehn Memorial Highway.

**Assembly Concurrent Resolution 39**—Relative to the San Francisco-Oakland Bay Bridge.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, April 7, 2003

Madam President: The Senate Rules Committee has appointed Senator Escutia as a member of the Senate Committee on Public Employment and Retirement to replace Senator Scott.

BURTON, Chair

**Committee on Judiciary**

Date of Hearing, April 1, 2003

Madam President: The Committee on Judiciary, to which were referred:

SB 59

SB 182

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Date of Hearing, April 7, 2003

Madam President: The Committee on Appropriations, to which were referred:

SB 138

SB 175

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 565

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.



**Committee on Local Government**

Date of Hearing, April 2, 2003

Madam President: The Committee on Local Government, to which were referred:

SB 114

SB 999

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measures ordered to second reading.

Date of Hearing, April 2, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 321

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 2, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 341

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, April 4, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 694

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, April 1, 2003

Madam President: The Committee on Judiciary, to which was referred:

SB 169

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

#### **Committee on Transportation**

Date of Hearing, April 1, 2003

Madam President: The Committee on Transportation, to which was referred:

SB 60

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

#### **Committee on Insurance**

Date of Hearing, April 2, 2003

Madam President: The Committee on Insurance, to which was referred:

SB 200

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SPEIER, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, April 7, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 237

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 237**—An act to amend Sections 4453.5 and 5753 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Resolution 16:** By Senator McClintock—Relative to patriotic displays.

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations****SB 95**—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (0)—None.

**SB 97**—Do pass as amended

AYES (6)—Senators Alpert, Burton, Escutia, Karnette, Murray, and Speier.

NOES (7)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, Machado, and Poochigian.

Failed passage

**SB 97**—Reconsideration granted

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 138**—Do pass

AYES (8)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Johnson, Murray, and Poochigian.

NOES (3)—Senators Bowen, Machado, and Speier.

**SB 175**—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/7/03

Alpert (Chair)

**Committee on Business and Professions****SB 33**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Vincent.

NOES (0)—None.

**SB 545**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Vincent.

NOES (1)—Senator Aanestad.

Date of Hearing: 4/7/03

Figueroa (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Sandra Marlene Smith of Tustin.

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Stanley Hirsh and Tamara Ginsburg of Studio City, Felipa Orellana of Lancaster and Bertha M. Crawford of Victorville.

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Andrew J. Franzoia of Sacramento.

Senator Cedillo requested that when the Senate adjourns this day it do so in memory of Dagoberto Vellanoweth of Whittier.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Sylvia Scott of Calistoga.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Charles "Charlie" Giles of Manteca.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Supervisor Carl Borelli.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of John Tutelian, Claude Stubblefield and Lucille Melkanian of Fresno.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 8, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, April 8, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senators Ackerman and Brulte will be excused this day on legislative business and Senator Hollingsworth will be excused this day on personal business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 7, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 65

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 65**—Relative to Cinco de Mayo Week.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Public Employment and Retirement**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 624                      SB 627                      SB 836

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Elections and Reapportionment**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 604

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

PERATA, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 625                      SCR 11

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

**Committee on Health and Human Services**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 496

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 95

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Agriculture and Water Resources**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which were referred:

SB 318

SB 518

SB 833

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 318**—An act to add Section 10612.5 to, and to amend Section 10631 of, the Water Code, relating to water.

Bill read second time.

**Senate Bill 518**—An act relating to water, and making an appropriation therefor.

Bill read second time.

**Senate Bill 833**—An act to amend Section 35409 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 21

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 13            SB 68            SB 196            SB 645

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SHER, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Elections and Reapportionment**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 548

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 548**—An act to amend Section 81008 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 54

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

DUCHENY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 172

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Revenue and Taxation.

DUCHENY, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which were referred:

SB 305 SB 353

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 491

Reports the same back with the recommendation: Do pass.

DUCHENY, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Public Safety, to which was referred: SB 276

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 1, 2003

Mr. President: The Committee on Public Safety, to which was referred: SB 879

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Public Safety, to which were referred: SB 275 SB 337 SB 404 SB 416

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Rules**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 686

SB 983

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 686**—An act to amend Section 1417.1 of the Health and Safety Code, relating to long-term health care facilities.

Bill read second time.

**Senate Bill 983**—An act to amend Section 48003 of the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 110

Reports the same back with the recommendation: Do pass.

VINCENT, Chair

Above bill ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 640

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

VINCENT, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 911

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Energy, Utilities and Communications with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Energy, Utilities and Communications.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 690

SB 930

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Appropriations**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 97

SB 1024

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 97**—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 1024**—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 7227, 7422, 7672, 7772, 10411, 11020, 13113, and 14242 of the Elections Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Insurance**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 797

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 797**—An act to amend Section 1367.67 of, and to add Section 125705 to, the Health and Safety Code, to amend Section 10123.185 of the Insurance Code, and to add Section 14021.2 to the Welfare and Institutions Code, relating to health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 760

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 760**—An act to amend Section 6368.8 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 64

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SPEIER, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 236

SB 245

SB 317

SB 810

SB 978

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 1073

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

#### **Committee on Education**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Education, to which was referred:

SB 955

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 662

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 662**—An act to repeal Section 42238.46 of the Education Code, and to amend Section 42 of Chapter 1167 of the Statutes of 2002, relating to school finance, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Insurance**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 618

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SPEIER, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 197

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 197**—An act to add Section 14105.983 to the Welfare and Institutions Code, relating to health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 119

SB 781

SR 16

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 119**—An act relating to energy resources.

Bill read second time.

**Senate Bill 781**—An act to amend Section 3001 of the Penal Code, relating to parole.

Bill read second time.

**Senate Resolution 16**—Relative to patriotic displays.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 8, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 888

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 888**—An act to add Section 712 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 221**—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 108**—An act to add Section 23335 to the Business and Professions Code, and to add Chapter 13 (commencing with Section 1900) to Division 2.5 of the Health and Safety Code, relating to emergency medical services, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 211**—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 151**—An act to amend Sections 11164, 11165, 11165.1, 11167, and 11167.5 of, and to repeal Sections 11161, 11162.5, and 11169 of, the Health and Safety Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Senate Bill 59**—An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 182**—An act to amend Sections 7630, 7669, 8609, and 8814.5 of the Family Code, and to add Section 1516.5 to the Probate Code, relating to adoption.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 138**—An act to amend Section 143 of the Streets and Highways Code, relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 175**—An act to amend Sections 4022, 4067, 4170, and 4175 of the Business and Professions, relating to veterinary drugs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 565**—An act to amend Section 52941 of the Food and Agricultural Code, relating to agriculture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 36**—An act to add Section 14132.100 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 41**—An act to amend Section 10515 of, and to add Article 2.5 (commencing with Section 10510.4) to Chapter 2.1 of Part 2 of Division 2 of, the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 43**—An act to amend Section 18855 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 48**—An act to amend Section 2002 of the Penal Code, relating to prisons.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 75**—An act to add Section 1164.15 to the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 87**—An act to amend Section 379 of the Streets and Highways Code, relating to highways.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 99**—An act to add Sections 10205.1 and 18900.1 to the Government Code, relating to state civil service.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 127**—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 165**—An act to amend Sections 1260, 1262, and 1275 of the Business and Professions Code, relating to healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 220**—An act to add Section 17.1 to the Corporations Code, relating to business organizations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 296**—An act to relating to public trust lands.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 580**—An act to amend, repeal, and add Section 1356 of the Health and Safety Code, relating to health care service plans, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 626**—An act to amend Sections 7005, 7008, 89529.03, and 89621 of the Education Code, to amend Sections 3517.6, 3517.61, 3572.5, 8544.2, 9322, 9359.83, 14876, 16391.1, 19849.15, 19871, 21450, 21506, 21551, 21635, 21635.5, 21661, 26296.22, 26299.036, 73642, 73952, 74342, 74742, and 75521 of, to add Part 5 (commencing with Section 22750) to Division 5 of Title 2 of, to repeal Sections 21690, 21691, 21692 of, to repeal Part 5 (commencing with Section 22751) of Division 5 of Title 2 of, and to repeal and add Part 6 (commencing with Section 22950) of Division 5 of Title 2 of, the Government Code, to amend Section 124964 of the Health and Safety Code, to amend Section 4856 of the Labor Code, to amend Section 13600 of the Probate Code, to amend Section 35137 of the Public Resources Code, and to amend Sections 130109, 131269, and 140109 of the Public Utilities Code, relating to public employee benefits.

Bill read second time, ordered engrossed, and to third reading.

**Senate Concurrent Resolution 3**—Relative to the Rosa Parks Interchange.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 114**—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 999**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 321**—An act to add Division 3 (commencing with Section 64500) to Title 6.7 of the Government Code, relating to infrastructure investment.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 341**—An act to amend Sections 25210.4a, 53961, and 56036 of the Government Code, and to amend Section 8136 of, to add Part 4 (commencing with Section 9000) to Division 8 of, and to repeal Part 4 (commencing with Section 8890) of Division 8 of, the Health and Safety Code, relating to cemeteries.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 694**—An act to amend Section 4750.7 of, and to repeal Sections 532, 2804.6, and 2813 of, the Public Resources Code, relating to public resources.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 169**—An act to add Section 8920 to the Family Code, relating to adoption.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 60**—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 200**—An act to add Section 10233.1 Insurance Code, relating to long-term care insurance.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures were set as a Special Consent Calendar to be taken up on April 10, 2003: SB 87, SB 99, SB 165, SB 220, SB 296, SB 580, SB 626, SB 694, and SCR 3.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Resolution 17:** By Senator Burton—Relative to unemployment insurance.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 250** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules;

**SB 973** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules; and

**SB 304** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Environmental Quality**

**SB 13**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 68**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 196**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, and Romero.

NOES (0)—None.

**SB 208**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 334**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 532**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 568**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 645**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 711**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 871**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 4/7/03

Sher (Chair)

#### **Committee on Governmental Organization**

**SB 88**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, and Soto.

NOES (1)—Senator Battin.

**SB 110**—Do pass

AYES (11)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 640**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Cedillo, Chesbro, Karnette, Machado, Murray, Soto, and Vincent.

NOES (4)—Senators Battin, Johnson, Margett, and Morrow.

**SB 690**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 911**—Do pass and re-refer to Committee on Energy, Utilities, and Communications with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 930**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**SJR 6**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Cedillo, Chesbro, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 4/8/03

Vincent (Chair)

**Committee on Housing and Community Development****SB 54**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (0)—None.

**SB 162**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**SB 172**—Do pass and re-refer to Committee on Revenue and Taxation

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 305**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 353**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 491**—Do pass

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 538**—Do pass as amended

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (1)—Senator Ackerman.

**SB 619**—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (1)—Senator Ackerman.

Date of Hearing: 4/7/03

Ducheny (Chair)

#### **Committee on Natural Resources and Wildlife**

**SB 216**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 236**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 245**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 317**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 445**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 572**—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Denham, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 607**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Bowen, Denham, Kuehl, Oller, Ortiz, and Torlakson.

NOES (0)—None.

**SB 810**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 978**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 987**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Bowen, Denham, Kuehl, Ortiz, Sher, and Torlakson.

NOES (1)—Senator Oller.

**SB 1073**—Do pass

AYES (8)—Senators Alpert, Bowen, Denham, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

Date of Hearing: 4/8/03

Kuehl (Chair)

#### **Committee on Public Employment and Retirement**

**SB 624**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 625**—Do pass

AYES (5)—Senators Ashburn, Karnette, Oller, Scott, and Soto.

NOES (0)—None.

**SB 627**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 836**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Karnette, Scott, and Soto.

NOES (1)—Senator Oller.

**SCR 11**—Be adopted

AYES (3)—Senators Karnette, Scott, and Soto.

NOES (2)—Senators Ashburn and Oller.

Date of Hearing: 4/7/03

Soto (Chair)

**Committee on Public Safety**

**SB 275**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 276**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 278**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 337**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 404**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 416**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 732**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 873**—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SCA 8**—Be adopted as amended and re-refer to Committee on Constitutional Amendments

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 4/8/03

McPherson (Chair)

**Committee on Rules**

**SJR 1**—Be adopted

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 4/7/03

Burton (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman and Brulte.

The following Senator was granted leave of absence for the day due to personal business: Senator Hollingsworth.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Denham requested that when the Senate adjourns this day it do so in memory of Edith M. Massa of Salinas, Leona Garrison of Ceres, Glen M. Scholl of Merced, Fr. Patrick Francis Prendergast and Alvin Domecq of Turlock, and Dr. David William Degregori of Los Banos.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Lisa Louise Neely of Sacramento.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, April 9, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, April 9, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and  
Vincent—39.

Quorum present.

*(NOTE: Senator Soto will be excused this day on legislative business.)*

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
April 9, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Stephan Castellanos, served since 2/00; reappointed 3/14/03. Effective 3/27/03:

State Architect, term ending 1/15/07.

Cynthia Verdugo-Peralta, served since 4/00; reappointed 3/14/03. Effective 4/4/03:

Member, South Coast Air Quality Management District Board, term ending 1/15/07.

Curtis L. Washington, high school teacher. Appointed 3/21/03. Effective 4/2/03:

Member, State Board of Education vice Marion Joseph, not confirmed, term ending 1/15/06.

Willie L. Pelote, California Political and Legislative Director, American Federation of State, County and Municipal Employees. Appointed 3/27/03. Effective 3/28/03:

Director, California Exposition and State Fair vice John (Jack) Coffey, term expired, term ending 1/1/04.

Randy Paragary, owns Paragary's Restaurant Group. Appointed 3/27/03. Effective 4/4/03:

Director, California Exposition and State Fair vice Rex S. Hime, moved to another slot on board, term ending 1/1/07.

Robert K. Hattoy, served since 8/02; reappointed 3/14/03. Effective 4/2/03: Member, Fish and Game Commission, term ending 1/15/09.

Mark A. Bosetti, served since 12/99; reappointed 3/14/03. Effective 3/27/03:

Member of the State Board of Forestry and Fire Protection, term ending 1/15/07.

Andrew K. Marckwald, served since 7/99; reappointed 3/14/03. Effective 4/8/03:

Member of the State Board of Forestry and Fire Protection, term ending 1/15/07.

David Nawi, served since 8/02; reappointed 3/14/03. Effective 4/7/03:

Member of the State Board of Forestry and Fire Protection, term ending 1/15/07.

Harold A. Rose, served since 4/00; reappointed 3/14/03. Effective 3/24/03:

Member, Industrial Welfare Commission, term ending 1/15/07.

- B. Timothy Gage, former director of the Department of Finance.  
Appointed 3/25/03. Effective 4/2/03:  
Member, Independent System Operator Governing Board vice  
John L. Geesman, resigned, term ending 12/31/05.
- John (Jack) K. McNally, former labor consultant. Appointed 3/24/03:  
Effective 3/24/03:  
Deputy Undersecretary, Wage Enforcement and Fair Employment  
Practices, Labor and Workforce Development Agency, newly  
created, 2002 legislation, term ending at the pleasure of the  
Secretary of Labor and Workforce Development.
- Marcy V. Saunders, served since 3/00; reappointed 3/14/03. Effective  
4/4/03:  
Member, Occupational Safety and Health Appeals Board term  
ending 1/15/07.
- Joseph W. Cotchett, served since 3/00; reappointed 3/14/03. Effective  
3/24/03:  
Member, State Park and Recreation Commission, term ending  
1/15/07.
- Caryl O. Hart, served since 3/00; reappointed 3/14/03. Effective 3/26/03:  
Member, State Park and Recreation Commission term ending  
1/15/07.
- Paul J. Witt, served since 3/99; reappointed 3/14/03. Effective 3/27/03:  
Member, State Park and Recreation Commission, term ending  
1/15/07.
- Jeremiah F. Hallisey, served since 3/99; reappointed 3/28/03. Effective  
4/9/03:  
Member, California Transportation Commission, term ending  
2/1/07.
- Daniel M. Dooley, reappointed 3/14/03. Effective 3/25/03:  
Member, California Water Commission, term ending 1/15/07.
- William (Bill) Lyons, Jr., served since 5/02; reappointed 3/14/03. Effective  
4/7/03:  
Member, California Water Commission, term ending 1/15/07.
- Nancy H. Sutley, served since 5/02; reappointed 3/14/03. Effective  
3/28/03:  
Member, California Water Commission, term ending 1/15/07.
- Above appointments referred to the Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 7, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 38

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 38**—Relative to Thomas E. Burnett, Jr. Memorial Bridge.

**REPORTS OF STANDING COMMITTEES****Committee on Energy, Utilities and Communications**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 67                                      SB 419                                      SB 521

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 128

Reports the same back with the recommendation: Do pass.

BOWEN, Chair

Above bill ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 666

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

BOWEN, Chair

Above measure re-referred to the Committee on Judiciary.

**Committee on Judiciary**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 129                                      SB 144                                      SB 237                                      SB 777

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 302

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 178

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bill ordered to second reading.

**Committee on Veterans Affairs**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 73

SB 385

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MORROW, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Veterans Affairs, to which was referred:

SB 544

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

MORROW, Chair

Above measure ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Veterans Affairs, to which was referred:

AJR 5

Reports the same back with the recommendation: Be adopted.

MORROW, Chair

Above resolution ordered to third reading.

**Committee on Housing and Community Development**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 162

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 538

Reports the same back with the recommendation: Do pass as amended.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 9, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 842

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 842**—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 9, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 107

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 107**—An act to repeal Section 350 of the Public Utilities Code, relating to electric power.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 107 pursuant to Joint Rule 58.

SENATOR BOWEN

**Permission of Rules Committee**

Senate Chamber, April 9, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 107.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 4, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 730

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 619

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, April 9, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 214

SB 537

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 214**—An act to add Sections 13389.1 and 13389.2 to the Water Code, relating to water.

Bill read second time.

**Senate Bill 537**—An act to amend and repeal Section 40055 of the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 9, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 231

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 231**—An act to amend Section 124996 of, and to add Section 124982 to, the Health and Safety Code, relating to hereditary disorders, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Rules, to which were referred:

SCR 6

SCR 16

ACR 41

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

BURTON, Chair

Above measures ordered to second reading.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Rules, to which was referred:

SB 55



**Second Reading of Bills—Author's Amendments**

**Senate Bill 277**—An act relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 604**—An act relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Elections and Reapportionment were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 625**—An act relating to the Public Employees' Retirement System.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 496**—An act relating to drug-endangered children.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Senate Bill 95**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 21**—An act relating to water.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Senate Bill 491**—An act relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 276**—An act relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 879**—An act relating to child pornography.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 110**—An act relating to public contracting.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 64**—An act relating to homeowners' insurance.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1073**—An act relating to natural resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 955**—An act relating to community colleges.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 618**—An act relating to unfair acts.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on April 10:

SB 1073

SB 955

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 197** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules;

**SB 797** was withdrawn from the Committee on Insurance and re-referred to the Committee on Rules;

**SB 833** was withdrawn from the Committee on Agriculture and Water Resources and re-referred to the Committee on Rules; and

**SB 545** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS****Committee on Education**

**SB 39**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alpert, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 70**—Do pass as amended, to Consent Calendar

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 71**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

**SB 259**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Denham, Karnette, McPherson, Romero, Scott, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 460**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Karnette, Romero, Scott, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**SB 588**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 606**—Do pass as amended and re-refer to Committee on Health and Human Services

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 719**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**SB 746**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Alpert, Karnette, Romero, Scott, Vasconcellos, and Vincent.

NOES (2)—Senators Knight and McPherson.

**SB 826**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 4/9/03

Vasconcellos (Chair)

**Committee on Energy, Utilities and Communications**

**SB 67**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Murray, Sher, and Vasconcellos.

NOES (2)—Senators McClintock and Morrow.

**SB 128**—Do pass

AYES (6)—Senators Alarcón, Bowen, Dunn, Murray, Sher, and Vasconcellos.

NOES (3)—Senators Battin, McClintock, and Morrow.

**SB 173**—Do pass as amended and re-refer to Committee on Judiciary

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (2)—Senators Battin and Morrow.

**SB 185**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, Morrow, Murray, Sher, and Vasconcellos.

NOES (1)—Senator McClintock.

**SB 419**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Murray, Sher, and Vasconcellos.

NOES (1)—Senator Morrow.

**SB 521**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, Sher, and Vasconcellos.

NOES (0)—None.

**SB 666**—Do pass and re-refer to Committee on Judiciary

AYES (9)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, Sher, and Vasconcellos.

NOES (0)—None.

**SB 720**—Do pass as amended

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, Morrow, Murray, Sher, and Vasconcellos.

NOES (1)—Senator McClintock.

**SCA 6**—Be adopted as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 4/8/03

Bowen (Chair)

**Committee on Judiciary****SB 90**—Do pass as amended

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 129**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 144**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 178**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 237**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 262**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 302**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 339**—Do pass as amended

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Morrow.

**SB 345**—Do pass as amended

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 455**—Do pass as amended

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 777**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

Date of Hearing: 4/8/03

Escutia (Chair)

**Committee on Labor and Industrial Relations****SB 228**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 573**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 576**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 796**—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 966**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

Date of Hearing: 4/9/03

Alarcón (Chair)

**Committee on Rules****SB 55**—Re-refer to Committee on Budget and Fiscal Review

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

**SCR 6**—Be adopted, to Consent Calendar

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

**SCR 16**—Be adopted, to Consent Calendar

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

**ACR 41**—Be adopted, to Consent Calendar

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 4/9/03

Burton (Chair)

**Committee on Veterans Affairs****SB 73**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

**SB 385**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

**SB 544**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Chesbro, Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

**AJR 5**—Be adopted

AYES (7)—Senators Chesbro, Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

Date of Hearing: 4/8/03

Morrow (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Soto.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Edward “Smitty” Smith.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator’s request until 8:30 a.m., Thursday, April 10, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-SEVENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, April 10, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

As we approach the Jewish Passover and the Christian Easter season next week, I'd like to share with you the Jewish Prayer for Peace:

Come, let us go up the mountain of the Lord, that we may walk the paths of the Most High.

And we shall beat our swords into plough-shares, and our spears into pruning hooks. Nation shall not lift up sword against nation—neither shall they learn war any more. And none shall be afraid, for the mouth of the Lord of Hosts has spoken.—Shalom and a Blessed Easter.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Hollingsworth led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, April 9, 2003

Mr. President: The Senate Rules Committee has created the following select committees: Defense and Aerospace Industry; Gasoline Zone Pricing.

The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Mr. Matthew Kelly of Sacramento as a member of the Contractors State License Board to serve for a term ending June 1, 2005.

Appointed Senator Martha Escutia as a member of the Domestic Violence Program Advisory Council to serve at the pleasure of the Rules Committee.

Appointed Ms. Fern M. Laethem of Carmichael and Ms. Emma M. Sanchez Glenny of La Crescenta as members of the Advisory Commission on Special Education to serve for a term ending December 31, 2003.

Appointed John M. Whitelaw, M.D. of Sacramento as a member of the California Health Facilities Financing Authority to serve for a term ending March 31, 2004.

Appointed Ms. Mary V. Rosas of Pittsburg as a member of the State Board of Optometry to serve for a term ending January 1, 2007.

Reappointed Senator Jack Scott as a member of the Regents Selection Advisory Committee to serve for a term ending November 6, 2006.

Appointed Senator Mike Machado as a member of the Wildlife Conservation Board to serve at the pleasure of the Rules Committee.

BURTON, Chair

State Capitol, April 9, 2003

The Committee on Rules has referred the following measures to committee:

**Health and Human Services**—SB 1081.

**Labor and Industrial Relations**—AB 223.

The Committee on Rules has referred the following measures to two committees:

**Health and Human Services and Judiciary**—SB 686.

**Health and Human Services and Rules**—SB 546.

**Housing and Community Development and Transportation**—SB 321.

The Committee on Rules has re-referred the following measures to committee:

**Appropriations**—SB 545.

**Energy, Utilities and Communications**—SB 119, SB 304, SB 834, SB 888.

**Environmental Quality**—SB 189, SB 983.

**Governmental Organization**—SB 973.

**Health and Human Services**—SB 291, SB 797.

**Judiciary**—SB 171, SB 792.

**Labor and Industrial Relations**—SB 197, SB 595, SB 757, SB 758, SB 759, SB 899.

**Local Government**—SB 768, SB 833.

**Natural Resources and Wildlife**—SB 277.

**Public Safety**—SB 250, SB 781.

**Veterans Affairs**—SB 748.

**Committee on Elections and Reapportionment**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 548

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 548**—An act to amend Section 81008 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 271

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 271**—An act to amend Sections 20585, 20588, and 20590 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, April 1, 2003

Mr. President: The Committee on Transportation, to which was referred:

SB 612

Reports the same back with the recommendation: Do pass as amended.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 663

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 663**—An act to add Section 1798.855 to the Civil Code, and to amend Sections 408 and 408.1 of, and to add Section 408.15 to, the Revenue and Taxation Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

State Capitol, April 9, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Arthur G. Baggett, Jr., Member, State Water Resources Control Board (5-0)

Gary M. Carlton, Member, State Water Resources Control Board (5-0)

Susan P. Kennedy, Member, Public Utilities Commission (5-0)

Helen R. Mars, Member, Fair Employment and Housing Commission (5-0)

George Woolverton, Member, Fair Employment and Housing Commission (3-2)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Governmental Organization**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 74

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 74**—An act to add Section 11005.4 to the Government Code, relating to state property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 128**—An act to add Article 6 (commencing with Section 2899) to Chapter 10 of Part 2 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 178**—An act to amend Section 1954.53 of the Civil Code, relating to rent control.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 544**—An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

Bill read second time.

The amendments proposed by the Committee on Veterans Affairs were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 162**—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state government.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 538**—An act to add Section 65863.14 to the Government Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 730**—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30500.1 of the Public Resources Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Concurrent Resolution 6**—Relative to California Hispanic Heritage Month.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Senate Concurrent Resolution 16**—Relative to POW Recognition Day.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Concurrent Resolution 41**—Relative to the California Tow Truck Association.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**REQUEST FOR UNANIMOUS CONSENT**

Without objection, SCR 18, SR 13, and ACR 64 were withdrawn from committee and with SCR 16 were taken up at this time without reference to file as a Special Consent Calendar.

**Consideration of Senate Concurrent Resolution 18**

**Senate Concurrent Resolution 18**—Relative to California Fitness Month.

Resolution read third time.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**Consideration of Senate Resolution 13**

**Senate Resolution 13**—Relative to high school diplomas for adults.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Assembly Concurrent Resolution 64**

**Assembly Concurrent Resolution 64**—Relative to Sexual Assault Awareness Month.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**Consideration of Senate Concurrent Resolution 16**

**Senate Concurrent Resolution 16**—Relative to POW Recognition Day.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Machado:

Senate Chamber, April 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 1036 may be reported by the Committee on Agriculture and Water Resources after the deadline.

SENATOR MACHADO

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette,

Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS**

**Senate Bill 784**—An act to amend Section 1473.5 of the Penal Code, relating to battered women's syndrome.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution 9**—Relative to the California economy.

Resolution read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Senate Bill 392**—An act to amend Sections 10301, 10311.1, 10353, and 10366 of, and to repeal Sections 10310, 10310.2, and 10311 of, the Streets and Highways Code, relating to local agency assessments.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 565**—An act to amend Section 52941 of the Food and Agricultural Code, relating to agriculture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Florez.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Brulte, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Brulte, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 36**—An act to add Section 14132.100 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 41**—An act to amend Section 10515 of, and to add Article 2.5 (commencing with Section 10510.4) to Chapter 2.1 of Part 2 of

Division 2 of, the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Bowen.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 175**—An act to amend Sections 4022, 4067, 4170, and 4175 of the Business and Professions, relating to veterinary drugs.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 48**—An act to amend Section 2002 of the Penal Code, relating to prisons.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 127**—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 341**—An act to amend Sections 25210.4a, 53961, and 56036 of the Government Code, and to amend Section 8136 of, to add Part 4 (commencing with Section 9000) to Division 8 of, and to repeal Part 4 (commencing with Section 8890) of Division 8 of, the Health and Safety Code, relating to cemeteries.

Bill read third time and presented by Senator Torlakson.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 625**—An act to amend Section 20090.1 of the Government Code, relating to the Public Employees' Retirement System.

Bill read third time and presented by Senator Soto.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn,

Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

#### **Senator Bowen Presiding**

**Senate Bill 138**—An act to amend Section 143 of the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Knight.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Denham, Ducheny, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Bowen, Chesbro, Machado, Sher, and Speier.

Bill ordered transmitted to the Assembly.

**Senate Bill 95**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

#### **Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding**

**Senate Bill 43**—An act to amend Section 18855 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Brulte and McClintock.

Bill ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Joint Resolution 5**—Relative to the Vietnam Veterans Memorial Education Center.

Resolution read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Request For Unanimous Consent**

Senator Machado asked for, and was granted, unanimous consent that all members be added as coauthors to AJR 5.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 110**—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

Bill read third time and presented by Senator Margett.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Margett moved a call of the Senate.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 10, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SJR 1

SJR 13

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SJR 1)**

Senator Poochigian asked for, and was granted, unanimous consent to take up SJR 1 at this time, without reference to file.

**Consideration of Senate Joint Resolution 1  
Consideration of Assembly Amendments**

**Senate Joint Resolution 1**—Relative to the Armenian Genocide.

Measure presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SJR 1?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

**AYES (40)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

Above measure ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT (SJR 13)**

Senator Florez asked for, and was granted, unanimous consent to take up SJR 13 at this time, without reference to file.

**Consideration of Senate Joint Resolution 13  
Consideration of Assembly Amendments**

**Senate Joint Resolution 13**—Relative to immigrant military personnel.

Measure presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SJR 13?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

**AYES (40)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

Above measure ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
CONSENT CALENDAR**

**Senate Bill 600**—An act to amend Sections 853, 855, 1766, 1971, 2154.2, 4409, 4848, 19613, and 19617.5 of, and to add a heading to Article 7.5 (commencing with Section 17582) of Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, to amend Sections 48, 941, 1102.6, 1102.6b, 1714, 1936, 1946.1, 1954, 2924j, and 2941 of the Civil Code, to amend Sections 17, 170.6, 179, 437c, 1208.5, 1420, and 1607 of the Code of Civil Procedure, to amend Sections 2117 and 25118 of the Corporations Code, to amend Sections 430, 446, 8483, 8499.5, 8813, 17073.25, 20091, 22138.5, 25103, 35401, 35534, 35738, 37220.8, 37252.1, 41329.3, 41344, 42127, 42238.46, 42238.53, 44775.4, 44775.6, 44775.7, 44775.8, 44830.3, 47605.3, 47614.5, 47632, 48927, 51122, 51226.1, 51226.3, 51700, 52053, 52056, 52071, 52073, 53082, 54201, 56021.1, 56046, 56341.5, 56383, 59008, 59104, 59205, 60246, 60900, 66025.3, 67385.3, 70010, 94140, 94154, 94771, and 99235 of the Education Code, to amend Sections 13102, 13107, and 19227 of the Elections Code, to amend Sections 3048, 3118, 8802, 9210, 9212, and 17506 of the Family Code, to amend Section 1226 of, and to amend the heading of Article 1 (commencing with Section 3100) of Chapter 17 of Division 1 of, the Financial Code, to amend Sections 1019, 2081.7, 2086, 2118, 3508, and 6954 of the Fish and Game Code, to amend Sections 9221, 12999.5, and 79008 of the Food and Agricultural Code, to amend Sections 3309.5, 3517.61, 3562, 3593, 6527, 7579.5, 8314, 8592.4, 8670.40, 10201, 10202, 10203, 10204, 10206, 11121, 12965, 14838.5, 14838.7, 14981, 19142, 19775.17, 19775.18, 19827, 19867, 19997.3, 20057, 20501, 20610, 20611, 20677, 20677.4, 20752, 20902.5, 21220, 21362.3, 21465, 22009.03, 22009.1, 22018, 22156, 22502, 22754, 22810, 22840.2, 23119, 26608.3, 30061, 30063, 31520.1, 31629.5, 31787.6, 45310.7, 53216.8, 53601.7, 53635, 57116, 68085, 68095, 68115, 68620, 69587, 69588, 70367, 70391, 70392, 71601, 71615, 71632.5, 71636, 71636.3, 73665, 73757, and 82011 of, and to amend and renumber Section 26638.5 of, the Government Code, to amend Sections 1339.63, 1368.015, 1368.02, 1797.115, 1797.196, 11571, 11581, 18943, 25249.7, 42801.1, 44299.80, 50199.74, 52075.1, 100870, 102247, 113995, 115000.1, 115928, 122137,

123418, 123464, and 125116 of, and to amend and renumber Section 121140 of, the Health and Safety Code, to amend Sections 1211 and 10235.52 of the Insurance Code, to amend Sections 98.2, 176, 230.1, 1776, and 3099.3 of the Labor Code, to amend Sections 179, 395.3, 406, and 1035.6 of, and to amend and renumber Sections 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 of, the Military and Veterans Code, to amend Sections 132.5, 171.5, 337u, 383c, 424, 5971, 808, 1089, 1203.3, 1240.1, 1463, 1524.1, 11171, 11199, 11226, 11230, 12087.5, and 13823.9 of, and to repeal Article 4.5 (commencing with Section 12087) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, to amend Sections 10524 and 20103.8 of the Public Contract Code, to amend Sections 4114.5, 4123, 5090.37, 5631, 6307.1, 21098, 25534, 30812, 31119, and 40507 of, and to amend and renumber Sections 21061.0.5 and 30950 of, the Public Resources Code, to amend Sections 334, 345, 346, 350, 360, 362, 394.25, 398.4, 5411.5, 7000, 15704, 132353.2, 132370.5, 132370.6 of, and to amend and renumber Sections 132632 and 132634 of, the Public Utilities Code, to amend Sections 96.1, 408, 426, 998, 2921.5, 7280, 7286.24, 17041, 17052.2, 17052.6, 17062, 17952.5, 18713, 18716, 18831, 19006, 20503, 20563, 23701t, 60361.5, and 60401 of, and to amend and renumber the heading of Chapter 2.98 (commencing with Section 7286.75) of Part 1.7 of Division 2 of, the Revenue and Taxation Code, to amend Sections 216.5, 390, and 27322 of the Streets and Highways Code, to amend Sections 411 and 15051 of the Unemployment Insurance Code, to amend Sections 5068, 9250.19, 9554, 11614.1, 11701, 11711.3, 12509, 21228, 21655.3, 23109.2, and 42011 of the Vehicle Code, to amend Sections 1013, 12949.6, 12994, 13307.1, 22762, 75480, 79420, and 79460 of, and to amend the heading of Article 1 (commencing with Section 71660) of Chapter 3 of Part 5 of Division 20 of, the Water Code, to amend Sections 225.05, 366.4, 1719, 4015, 4094, 4503, 5205, 5346, 5405, 11450, 11451.5, 11462, 14105.95, 14105.96, 14172, 15610.37, and 18969 of the Welfare and Institutions Code, and to amend Sections 12.5, 13, 13.5, 14 of Chapter 1449 of the Statutes of 1951, Section 1 of Chapter 483 of, Section 1 of Chapter 575 of, Section 1 of Chapter 583 of, Section 1 of Chapter 697 of, Section 5 of Chapter 1020 of, and Section 1 of Chapter 1060 of the Statutes of 2002, relating to maintenance of the codes.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 654**—An act to amend Sections 10644 and 10753.7 of the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 644**—An act to amend Sections 45330, 45344.5, and 45361.5 of the Education Code, relating to paraprofessionals.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 303**—An act to add Section 53313.51 to the Government Code, relating to community facilities districts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 410**—An act to amend Section 97.31 of the Revenue and Taxation Code, relating to local government finance.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 581**—An act to amend Section 1358.11 of the Health and Safety Code, and to amend Sections 10192.11 and 11703 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 169**—An act to add Section 8920 to the Family Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Bill 903**—An act to amend the heading of Chapter 9.5 (commencing with Section 13885) of Title 6 of Part 4 of, and to amend Section 13885.1 of, the Penal Code, relating to the Sexual Predator Apprehension Team force.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Joint Resolution 8**—Relative to saltcedar (Tamarix) eradication.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 523**—An act to amend Section 912 of the Civil Code, relating to construction defects.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 487**—An act to amend Section 56857 of the Government Code, relating to local agency reorganization.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 87**—An act to amend Section 379 of the Streets and Highways Code, relating to highways.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 99**—An act to add Sections 10205.1 and 18900.1 to the Government Code, relating to state civil service.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 165**—An act to amend Sections 1260, 1262, and 1275 of the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 220**—An act to add Section 17.1 to the Corporations Code, relating to business organizations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 296**—An act to relating to public trust lands.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 580**—An act to amend, repeal, and add Section 1356 of the Health and Safety Code, relating to health care service plans, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 626**—An act to amend Sections 7005, 7008, 89529.03, and 89621 of the Education Code, to amend Sections 3517.6, 3517.61, 3572.5, 8544.2, 9322, 9359.83, 14876, 16391.1, 19849.15, 19871, 21450, 21506, 21551, 21635, 21635.5, 21661, 26296.22, 26299.036, 73642, 73952, 74342, 74742, and 75521 of, to add Part 5 (commencing with Section 22750) to Division 5 of Title 2 of, to repeal Sections 21690, 21691, 21692 of, to repeal Part 5 (commencing with Section 22751) of Division 5 of Title 2 of, and to repeal and add Part 6 (commencing with Section 22950) of Division 5 of Title 2 of, the Government Code, to amend Section 124964 of the Health and Safety Code, to amend Section 4856 of the Labor Code, to amend Section 13600 of the Probate Code, to amend Section 35137 of the Public Resources Code, and to amend Sections 130109, 131269, and 140109 of the Public Utilities Code, relating to public employee benefits.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 3**—Relative to the Rosa Parks Interchange.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 694**—An act to amend Sections 4750.7 and 21080.5 of, and to repeal Sections 532, 2804.6, and 2813 of, the Public Resources Code, relating to public resources, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1073**—An act to repeal Section 69.8 of the Harbors and Navigation Code, relating to natural resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 955**—An act to amend Section 87482.5 of the Education Code, relating to community colleges.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 110)**

On motion of Senator Margett, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 110 was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,

McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Soto, Torlakson, and Vincent.

NOES (8)—Senators Bowen, Brulte, Escutia, McClintock, Romero, Sher, Speier, and Vasconcellos.

**Motion to Reconsider (SB 110)**

Senator Margett moved to reconsider the vote whereby SB 110 passed.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 10:40 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 10, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 61

SB 104

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.



**Assembly Bill 190**—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 195**—An act to amend Sections 51890 and 51913 of the Education Code, relating to health education.

**Assembly Bill 207**—An act to amend Section 594.35 of the Penal Code, relating to vandalism.

**Assembly Bill 213**—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

**Assembly Bill 283**—An act to amend Section 13957 of the Government Code, relating to victims of crime.

**Assembly Bill 308**—An act to amend Section 699.510 of the Code of Civil Procedure, relating to money judgments.

**Assembly Bill 322**—An act to amend Sections 205.5 and 279 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 341**—An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

**Assembly Bill 383**—An act to amend Section 977 of the Penal Code, relating to criminal procedure.

**Assembly Bill 416**—An act to amend Section 8802 of the Family Code, relating to adoption.

**Assembly Bill 474**—An act to amend Section 60201 of the Government Code, relating to districts.

**Assembly Bill 580**—An act to amend Section 1203.4 of the Penal Code, relating to firearms.

**Assembly Bill 675**—An act to amend Section 19414.5 of the Business and Professions Code, relating to horse racing.

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

**Assembly Bill 697**—An act to amend Sections 3526, 3528, 3531, 3532, 3533, 3534, and 3538 of the Government Code, relating to state employees.

**Assembly Bill 702**—An act to amend Sections 12804 and 13901 of the Government Code, relating to state agencies.

**Assembly Bill 790**—An act to amend Sections 21703 and 21705 of the Business and Professions Code, relating to self-service storage facilities.

**Assembly Bill 1005**—An act to amend Section 12401.7 of the Insurance Code, relating to title insurance.

**Assembly Bill 1117**—An act to amend Section 61601.7 of the Government Code, relating to community services districts.

**Assembly Bill 1411**—An act to amend Sections 32050 and 48900 of the Education Code, relating to school safety, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1710**—An act to amend Section 7121 of the Family Code, and to amend Sections 213.5 and 355 of, and to add Section 213.6 to, the Welfare and Institutions Code, relating to minors.

**Assembly Bill 61**—An act to amend Section 1 of Chapter 78 of the Statutes of 1993, relating to the Compton Unified School District.

**Assembly Bill 67**—An act to amend Sections 20161, 20467, 20530.1, 20533, 20752, 20814, 20822, 20826, 20903, 21051, 21261, 21407, 21424, 21465, 21499, 21535, 21621, 22857, 50953, 75093, 75094, 75580, and 75590 of, to amend and renumber Section 75030.9 of, to amend the heading of Part 3.4 (commencing with Section 21750) of Division 5 of Title 2 of, to add Sections 9359.02, 75031.5, and 75506.6 to, and to repeal Sections 20162, 20791, 20794, 20795, 20796, 20800, 20801, 20802, 20804, 20807, 20908, 21000, 21262, and 21401 of, the Government Code, relating to public employees' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 117**—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

**Assembly Bill 142**—An act to amend Section 32645 of the Public Resources Code, relating to the San Diego River Conservancy.

**Assembly Bill 161**—An act to add Section 859.5 to the Penal Code, relating to criminal procedure.

**Assembly Bill 503**—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

**Assembly Bill 504**—An act to amend Section 5560 of the Public Resources Code, relating to parks and recreation.

**Assembly Bill 520**—An act to add Section 57202.1 to the Government Code, relating to local agency reorganization.

**Assembly Bill 647**—An act to amend Section 1942.4 of the Civil Code, and to add Section 1174.21 to the Code of Civil Procedure, relating to tenancy.

**Assembly Bill 667**—An act to amend Section 19406 of the Business and Professions Code, relating to horse racing.





Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measures ordered to second reading.

**Committee on Rules**

Senate Chamber, April 10, 2003

Mr. President: The Committee on Rules has examined:

SB 104

And reports that the same has been correctly enrolled, and presented to the Governor on the 10th day of April, 2003, at 11:30 a.m.

BURTON, Chair

**Committee on Education**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 65            SB 78            SB 258            SB 683

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 65**—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

Bill read second time.

**Senate Bill 78**—An act to amend Section 33350 of the Education Code, relating to physical education.

Bill read second time.

**Senate Bill 258**—An act to add Chapter 5.6 (commencing with Section 51930) of Part 28 of the Education Code, relating to public schools.

Bill read second time.

**Senate Bill 683**—An act to add Chapter 5.5 (commencing with Section 60660) to Part 33 of the Education Code, relating to education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Education, to which was referred:

SB 39

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 507

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 507**—An act to amend Section 1780 of the Civil Code, relating to consumers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 768

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 768**—An act relating to human services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Appropriations**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 145

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 145**—An act to amend Section 56506 of the Education Code, relating to special education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 130	SB 308	SB 739
SB 827	SB 855	SB 857

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 130**—An act to amend Section 1257.7 of the Health and Safety Code, relating to hospitals.

Bill read second time.

**Senate Bill 308**—An act to add Section 14132.52 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Senate Bill 739**—An act to add Section 10553.3 to the Welfare and Institutions Code, relating to tribal health.

Bill read second time.

**Senate Bill 827**—An act to add Section 14079.8 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Senate Bill 855**—An act to amend Section 1502.3 of the Health and Safety Code, relating to care facilities.

Bill read second time.

**Senate Bill 857**—An act to add Section 100186 to the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 1003

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 420

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 244          SB 413          SB 582          SB 679

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Energy, Utilities and Communications**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 72          SB 834          SB 874          SB 888

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 72**—An act to add Section 346.5 to the Public Utilities Code, relating to electric power.

Bill read second time.

**Senate Bill 834**—An act to add Section 713 to the Public Utilities Code, relating to public utilities.

Bill read second time.

**Senate Bill 874**—An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

Bill read second time.

**Senate Bill 888**—An act to amend Sections 335, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add

Sections 330.1, 330.2, 330.4, 330.6, 367.5, 393.1, 393.2, 454.10, and 761.7 to, to repeal Sections 334, 338, 341.1, 341.5, 346, 348, 350, 355, 356, 359, 360, 361, 365, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal and add Sections 330 and 366 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Labor and Industrial Relations**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 478

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 478**—An act to add Section 230.2 to the Labor Code, relating to employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1061

SB 1063

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1061**—An act to amend Sections 17076, 23041, and 25111 of, and to add Sections 17049, 18405.1, 25113, and 25116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**Senate Bill 1063**—An act to amend Section 1614 of, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 334

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 88

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 23

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 23**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14571, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14549.3, and 14571.5 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 10, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 288

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 288**—An act to repeal Section 39609 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Concurrent Resolution 20:** By Senators Burton, Alarcón, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Ortiz, Romero, Scott, and Torlakson (Coauthors: Assembly Members Berg, Canciamilla, Chavez, Chu, Corbett, Dymally, Firebaugh, Goldberg, Hancock, Jerome Horton, Koretz, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Montanez, Mullin, Nunez, Pavley, Reyes, Salinas, Steinberg, Vargas, Wesson, Wiggins, and Yee)—Relative to the Immigrant Workers Freedom Ride.

**Senate Concurrent Resolution 21:** By Senator Aanestad—Relative to charter schools.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

An audit report dated: March 19, 2003, relating to Energy Efficiency and Low-Income Assistance Funds, Vol. II was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: March 20, 2003, relating to faculty compensation was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 25, 2003, relating to the Closure of the Northern California Women's Facility was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 25, 2003, relating to the Clean Fuels program was received from the South Coast Air Management District and transmitted to the Committee on Environmental Quality.

A report dated: March 26, 2003, relating to the Supportive Housing Initiative Act was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: March 26, 2003, relating to accountability for prevention and treatment services was received from the Department of Alcohol and Drug programs and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 26, 2003, relating to the California Prison Industry Authority was received from the Department of Corrections and transmitted to the Committee on Public Safety.

A report dated: March 27, 2003, was received from the Joint Committee on Preparing California for the 21st Century and transmitted to the Committee on Rules.

The September quarterly report dated: March 28, 2003, relating to the Peak Load Reduction program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

The January quarterly report dated: March 28, 2003, relating to program evaluation was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 28, 2003, relating to the California Capital Access program was received from the Pollution Control Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

The annual report dated: March 28, 2003, was received from the Pollution Control Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 1, 2003, relating to purchasing power erosion was received from the State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: April 1, 2003, relating to the Consumer Credit Counseling Industry was received from the Department of Corporations and transmitted to the Committee on Business and Professions.

An audit report dated: April 2, 2003, relating to management of power purchasing by the Department of Water Resources was received from the State Auditor and transmitted to the Committee on Rules.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Health and Human Services**

**SB 112**—Do pass as amended and re-refer to Committee on Transportation

AYES (13)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 244**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Ashburn, Battin, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

**SB 413**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 420**—Do pass and re-refer to Committee on Judiciary

AYES (8)—Senators Alarcón, Chesbro, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 582**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 617**—Do pass as amended and re-refer to Committee on Judiciary

AYES (8)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 676**—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 679**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 779**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (1)—Senator Ashburn.

**SB 847**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Aanestad, Ashburn, and Battin.

NOES (5)—Senators Alarcón, Chesbro, Kuehl, Ortiz, and Romero.

Failed Passage

**SB 847**—Reconsideration granted

AYES (8)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Kuehl, Ortiz, and Romero.

NOES (0)—None.

**SB 936**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (0)—None.

**SB 1003**—Do pass as amended and re-refer to Committee on Judiciary

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, and Vasconcellos.

NOES (0)—None.

**SB 1027**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 4/9/03

Ortiz (Chair)

#### **Committee on Revenue and Taxation**

**SB 1059**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: to Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

**SB 1062**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: to Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/9/03

Cedillo (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Stephanie Majer of San Carlos/San Diego.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Jadine Maurice of San Jose and Edward C. Strain of San Francisco.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Nam Du of San Diego.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of Hope Logan of San Diego.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Mary Fong and Don Garibaldi and Margie Garibaldi of Sacramento.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Anita Borg of Los Altos Hills, Carol Hisatomi of Sacramento and Sherrell W. Herrell of Alexandria, Virginia.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests on call of the President pro Tempore or until 1:30 p.m., Monday, April 21, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, April 21, 2003

The Senate met at 1:30 p.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—37.

Quorum present.

*(NOTE: Senator Bowen will be excused this day on legislative business and Senators Aanestad and Vasconcellos will be excused this day on personal business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Eternal God of Creation*, Through reflection on Holy Scripture we find that Your work is focused on the giving of life. Even in the gruesomeness of the Easter story we discover that hope is stronger than memory, forgiveness is stronger than bitterness, light is stronger than darkness, life is stronger than death. But the greatest discovery, the Good News that we struggle to understand and accept as absolute Truth is Your unconditional love for each of us. As we gather this afternoon we pause to give thanks that while You do not guarantee that the days ahead will be easier, better or more peaceful, You do guarantee that You will be with us always on our journey working through us to make light, forgiveness, hope, and peace a reality in our lives and in the life of the world.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

April 21, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Esteban E. Torres, served since 3/99; reappointed 3/28/03. Effective 4/15/03:

Member, California Transportation Commission, term ending 2/1/07.

Above appointment referred to the Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1070

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 94

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Labor and Industrial Relations**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

SB 457	SB 569	SB 714	SB 757
SB 758	SB 759	SB 893	SB 899

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 457**—An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 569**—An act to amend Sections 1275 and 1327 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read second time.

**Senate Bill 714**—An act to add Section 5705.1 to the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 757**—An act to amend Section 6130 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 758**—An act to amend Section 4060 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 759**—An act to amend Section 4551 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 893**—An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 899**—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### Committee on Judiciary

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 171	SB 256	SB 584	SB 655
SB 210	SB 265	SB 602	SB 1030
SB 254	SB 307	SB 653	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 171**—An act to add Section 712 to the Public Utilities Code, relating to public utilities.

Bill read second time.

**Senate Bill 210**—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to add Section 1300.5 to the Labor Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 254**—An act to amend Sections 613 and 614 of the Code of Civil Procedure, and to amend Section 69922 of the Government Code, relating to trial courts.

Bill read second time.

**Senate Bill 256**—An act to amend Sections 70311 and 70323 of the Government Code, relating to court facilities.

Bill read second time.

**Senate Bill 265**—An act to amend Section 3044 of the Family Code, relating to child custody.

Bill read second time.

**Senate Bill 307**—An act to add Title 8.3 (commencing with Section 77800) to the Government Code, and to amend Sections 888, 914, 916, and 934 of, and to repeal Sections 904.4, 904.6, 905, 905.5, 913, 914.1, 914.5, 915, 919, 920, 921, 922, 925, 925a, 926, 927, 928, 929, 930, 931, 932, 933, 933.05, 933.06, 933.1, 933.5, and 933.6 of, the Penal Code, relating to civil grand juries.

Bill read second time.

**Senate Bill 584**—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

Bill read second time.

**Senate Bill 602**—An act to amend Sections 1785.11, 1785.11.1, 1798.84, and 1798.93 of, to add Sections 1798.955 and 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, and to amend Section 530.8 of the Penal Code, relating to personal information.

Bill read second time.

**Senate Bill 653**—An act to amend Section 827 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

**Senate Bill 655**—An act to add Article 9 (commencing with Section 70500) to Chapter 5.7 of Title 8 of the Government Code, relating to financing the construction and renovation of court facilities, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time.

**Senate Bill 1030**—An act to add Section 7630.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity testing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Labor and Industrial Relations**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 576

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

#### **Committee on Education**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Education, to which were referred:

SB 140

SB 409

SB 611

SB 964

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures ordered to second reading.

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 6	SB 373	SB 383	SB 696
SB 793	SB 892	SB 956	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 6**—An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, 70900, 70901, 70902, 71000, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 99181, and 99182 of, and to repeal and add Sections 33302 and 33303 of, the Education Code, relating to public education governance.

Bill read second time.

**Senate Bill 373**—An act to add Section 52057.5 to the Education Code, relating to school accountability.

Bill read second time.

**Senate Bill 383**—An act to add Section 66204.5 to the Education Code, relating to postsecondary education.

Bill read second time.

**Senate Bill 696**—An act to amend Section 44942 of, and to add Section 44440 to, the Education Code relating to teacher credentialing.

Bill read second time.

**Senate Bill 793**—An act to amend Section 66902 of the Education Code, relating to postsecondary education.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 793 pursuant to Joint Rule 58.

SENATOR VASCONCELLOS

**Permission of Rules Committee**

Senate Chamber, April 16, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 793.

BURTON, Chair

**Senate Bill 892**—An act to add Section 35292.5 to the Education Code, relating to public schools.

Bill read second time.

**Senate Bill 956**—An act to add Section 42101 to the Education Code, relating to public school funding.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 90            SB 339            SB 345            SB 455

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Elections and Reapportionment**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 613

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 613**—An act relating to federal elections funding.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 720

Reports the same back with the recommendation: Do pass as amended.

BOWEN, Chair

Above measure ordered to second reading.

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 118

SB 770

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 118**—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

**Senate Bill 770**—An act to add Section 80110.1 to the Water Code, relating to electricity.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 873

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 44

SB 408

SB 435

SB 463

SB 549

SB 762

SB 851

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 44**—An act to add Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

Bill read second time.

**Senate Bill 408**—An act to amend, repeal, and add Section 11837 of the Health and Safety Code, and to amend Sections 13353.2, 13353.8, 13357, and 23612 of, to amend, repeal, and add Sections 1803, 13352, 13352.4, 13352.5, 13353, 13353.3, 13353.5, 13353.7, 13354, 13954, 14601.2, 23109, 23109.5, 23521, 23536, 23538, 23542, 23548, 23552,

23556, 23562, 23568, 23660, and 23665 of, and to repeal and add Section 13380 of, the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 435**—An act to amend Section 12050 of the Penal Code, relating to concealed firearms.

Bill read second time.

**Senate Bill 463**—An act to amend Section 15660 of the Welfare and Institutions Code, relating to in-home supportive services.

Bill read second time.

**Senate Bill 549**—An act to amend Section 6250.5 of the Penal Code, relating to inmates.

Bill read second time.

**Senate Bill 762**—An act to amend Section 1210 of the Penal Code, relating to controlled substances.

Bill read second time.

**Senate Bill 851**—An act to amend Section 803 of the Penal Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Health and Human Services**

Date of Hearing, April 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 828

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

#### **Committee on Agriculture and Water Resources**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which were referred:

SB 518

SB 543

SB 633

SB 794

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 518**—An act to add Chapter 10.6 (commencing with Section 79578) to Division 26.5 of the Water Code, relating to water.

Bill read second time.

**Senate Bill 543**—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

Bill read second time.

**Senate Bill 633**—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 633 pursuant to Joint Rule 58.

SENATOR ASHBURN

**Permission of Rules Committee**

Senate Chamber, April 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 633.

BURTON, Chair

**Senate Bill 794**—An act relating to water, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 795

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 795**—An act to amend Sections 2550, 2557, and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 378

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 378**—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 9	SB 562	SB 578
SB 729	SB 769	SB 1008

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 9**—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to government reorganization, and making an appropriation therefor.

Bill read second time.

**Senate Bill 562**—An act to add Sections 16724.1 and 16724.2 to the Government Code, relating to bonds.

Bill read second time.

**Senate Bill 578**—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

Bill read second time.

**Senate Bill 729**—An act to add Section 10355 to the Public Contract Code, relating to public contracts.

Bill read second time.

**Senate Bill 769**—An act to repeal Sections 12012.25, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to

Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming, and making an appropriation therefor.

Bill read second time.

**Senate Bill 1008**—An act to amend Section 999.9 of the Military and Veterans Code, relating to veterans.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, April 14, 2003

Mr. President: The Committee on Rules has examined:

SJR 1

SJR 13

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 14th day of April, 2003, at 2:30 p.m.

BURTON, Chair

#### **Committee on Natural Resources and Wildlife**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 445

SB 987

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measures ordered to second reading.

#### **Committee on Governmental Organization**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SJR 6

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SCA 8

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Constitutional Amendments.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 262

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 796

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 322

SB 771

SB 778

SB 953

SB 1005

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 322**—An act to add Section 125118 to the Health and Safety Code, relating to medical research.

Bill read second time.

**Senate Bill 771**—An act to amend and renumber Sections 125115, 125116, and 125117 of, to add Sections 125305 and 125310 to, to add the headings of Part 5.5 (commencing with Section 125300) and Chapter 1 (commencing with Section 125300) to Division 106 of, to add Chapter 2 (commencing with Section 125330) to Part 5.5 of Division 106 of, and to

repeal the heading of Article 5 (commencing with Section 125115) of Part 5 of Division 106 of, the Health and Safety Code, relating to human tissue.

Bill read second time.

**Senate Bill 778**—An act to add Chapter 2.5 (commencing with Section 104250) to Part 1 of Division 103 of the Health and Safety Code, relating to an election for biomedical research and development, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time.

**Senate Bill 953**—An act to add Part 6 (commencing with Section 1180) to Division 1 of the Health and Safety Code, relating to an election for children's hospital bonds, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time.

**Senate Bill 1005**—An act to amend Sections 1279, 1280, 1280.1, and 1280.2 of, and to add Sections 1266.2 and 1279.1 to, the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 112

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Transportation.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 936

SB 1027

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1071

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1071**—An act to add Section 2403 to the Business and Professions Code, relating to medicine.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

SB 289

SB 744

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 289**—An act to add Chapter 11.3 (commencing with Section 19875) to Part 3 of Division 13 of the Health and Safety Code, relating to solar energy.

Bill read second time.

**Senate Bill 744**—An act to add Sections 65585.3 and 65585.4 to the Government Code, relating to planning.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

SB 218

SB 643

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 218**—An act to amend Section 2761 of the Public Resources Code, relating to surface mining.

Bill read second time.

**Senate Bill 643**—An act to add Chapter 13 (commencing with Section 2950) to Division 3 of the Fish and Game Code, relating to habitat and conservation lands.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Education, to which were referred:

SB 71	SB 259	SB 460
SB 719	SB 746	

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures ordered to second reading.

**Committee on Rules**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 338	SB 619	SB 807	SB 991
SB 375	SB 692	SB 849	SB 1032
SB 556	SB 752	SB 958	SR 16

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 338**—An act to amend Section 76001 of the Education Code, relating to education finance.

Bill read second time.

**Senate Bill 375**—An act to amend Section 3501 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 556**—An act to amend Section 52120 of the Education Code, relating to class size.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 556 pursuant to Joint Rule 58.

SENATOR SHER

**Permission of Rules Committee**

Senate Chamber, April 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 556.

BURTON, Chair

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill read second time.

**Senate Bill 692**—An act to amend Section 853 of the Fish and Game Code, relating to the Department of Fish and Game.

Bill read second time.

**Senate Bill 752**—An act to add Section 853.5a to the Penal Code, relating to identification.

Bill read second time.

**Senate Bill 807**—An act to amend Section 40709 of the Health and Safety Code, relating to air quality.

Bill read second time.

**Senate Bill 849**—An act relating to taxation.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 849 pursuant to Joint Rule 58.

SENATOR TORLAKSON

**Permission of Rules Committee**

Senate Chamber, April 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 849.

BURTON, Chair

**Senate Bill 958**—An act relating to redevelopment.

Bill read second time.

**Senate Bill 991**—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill read second time.

**Senate Bill 1032**—An act relating to business.

Bill read second time.

**Senate Resolution 16**—Relative to patriotic displays.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 407	SB 465	SB 833
SB 908	SB 952	SB 1068

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 407**—An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government.

Bill read second time.

**Senate Bill 465**—An act to amend Sections 65460.1, 65460.2, and 65460.4 of, and to add Section 65040.9 to, the Government Code, and to amend Section 33030 of, and to add Chapter 4.7 (commencing with Section 33499) to Part 1 of Division 24 of, the Health and Safety Code, relating to transit village plans.

Bill read second time.

**Senate Bill 833**—An act to add Section 6533 to the Government Code, to amend Section 1011.5 of, and to add Article 7 (commencing with Section 75939.5) to Chapter 2 of Part 10 of Division 21 of, the Water Code, and to add Section 24.5 to Chapter 819 of the Statutes of 1971, relating to water.

Bill read second time.

**Senate Bill 908**—An act to amend the heading of Article 79 (commencing with Section 21120) of Chapter 1.5 of Part 3 of Division 2 of, and to add Section 21122 to, the Public Contract Code, relating to public contracts.

Bill read second time.

**Senate Bill 952**—An act to amend Section 65048 of the Government Code, relating to state planning.

Bill read second time.

**Senate Bill 1068**—An act to amend Section 12463 of the Government Code, relating to the Controller.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 285                      SB 451                      SB 1059  
SB 1062                      SCA 3

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 285**—An act to amend Section 18533 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 451**—An act to add Section 107.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**Senate Bill 1059**—An act to amend Section 6105 of the Commercial Code, to amend Section 15606 of the Government Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Sections 256.6 and 276.5 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

**Senate Bill 1062**—An act to amend Sections 69.5, 75.31, 155, 194, 218, 423, 439.2, 534, 1609.5, and 1841 of, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Constitutional Amendment 3**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 2, 3, 6, 7, 8, and 10.5 of, and repealing Sections 9, 12, and 13 of, Article XIII B thereof, relating to public finance.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 185

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 173

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 579

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 579**—An act to amend Section 20963 of the Government Code, relating to state employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

SB 344

SB 921

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 344**—An act to amend Sections 12340.2, 12360, 12640.02, 12640.07, and 12640.10 of the Insurance Code, relating to mortgage insurance.

Bill read second time.

**Senate Bill 921**—An act to add Division 112 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 201                      SB 207                      SB 511

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 201**—An act to add Chapter 6.68 (commencing with Section 25271) and Chapter 6.69 (commencing with Section 25279) to Division 20 of, and to repeal and add Chapter 5 (commencing with Section 114705) and Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of, the Health and Safety Code, relating to radioactive materials.

Bill read second time.

**Senate Bill 207**—An act to amend Section 41954 of the Health and Safety Code, relating to air quality.

Bill read second time.

**Senate Bill 511**—An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 969

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 969**—An act to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 572

Reports the same back with the recommendation: Do pass as amended.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 617

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Education, to which was referred:

SB 70

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Education, to which was referred:

SB 606

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Health and Human Services.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 8, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 278

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 676

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 871

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 248

SB 428

SB 949

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 248**—An act to amend Section 3000 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 428**—An act relating to adult day health care.

Bill read second time.

**Senate Bill 949**—An act to add Article 2.3 (commencing with Section 9033) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 208

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 659

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 659**—An act to amend Section 739 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 26

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 26**—An act to amend the heading of Article 1.5 (commencing with Section 510) of Chapter 1 of Division 2 of, and to add Section 513 to, the Business and Professions Code, to add Article 6.5 (commencing with Section 1385.1) to Chapter 2.2 of Division 2 of the Health and Safety Code, and to add Article 4.5 (commencing with Section 10181) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health care, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 379

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 379**—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which was referred:

SB 901

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 901**—An act to add Chapter 10.5 (commencing with Section 15600) to Division 5 of the Financial Code, relating to financial institutions.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 219                      SB 406                      SB 422

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MCPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 219**—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 406**—An act to amend Section 8594 of the Government Code, relating to the emergency alert system.

Bill read second time.

**Senate Bill 422**—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 915                      SB 916                      SB 924

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 915**—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.22, 66540.40, and 66540.72 of, and to repeal Section 66540.23 of, the Government Code, relating to transportation.

Bill read second time.

**Senate Bill 916**—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30610, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30914.5, 30922 and 30950.5 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read second time.

**Senate Bill 924**—An act to add Chapter 4.8 (commencing with Section 2195) to Division 3 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Bill 612**—An act to add Section 21115.5 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 732**—An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 532**—An act to amend Section 21083 and 21100 of, and to add Sections 21001.5 and 21060.2 to, the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 568**—An act to amend Sections 25141.2 and 57004 of the Health and Safety Code, relating to environmental protection.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 711**—An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 39**—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1003**—An act to add Section 1526.76 to the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 334**—An act to amend Sections 605 and 706 of, and to repeal Section 705 of, the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of hearing AB 67 in the Committee on Public Employment and Retirement on April 23.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 1070)**

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 1070 at this time, without reference to file.

#### **Consideration of Senate Bill 1070 Consideration of Assembly Amendments**

**Senate Bill 1070**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 1070?

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

#### **RECESS**

At 1:57 p.m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 1:57 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 1070)**

On the motion of Senator Chesbro, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 1070 by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Ashburn, Battin, Denham, Margett, McClintock, Morrow, Oller, and Pochigian.

Above measure ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Susan P. Kennedy, Member, Public Utilities Commission  
be taken up separately.

**Consideration of Governor's Appointment**

Senator Burton placed the Governor's appointment before the Senate.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (29)—Senators Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Aanestad, Battin, Denham, and McClintock.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Bowen.

The following Senators were granted leaves of absence for the day due to personal business: Senators Aanestad and Vasconcellos.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 2:10 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to

conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, April 22, 2003.

Motion carried.

#### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
April 21, 2003

*To the Members of the Senate:*

I am signing SB 104 which authorizes the California Transportation Commission to relinquish to the City of West Sacramento the portion of Route 84 within the city, upon the terms and conditions the Commission finds to be in the best interests of the state.

While state highway relinquishments of this nature occur frequently and in the regular course of business, I am urging all parties involved to recognize in their deliberations the state's current fiscal situation. Specifically, I am directing the Department of Transportation to ensure that, if the negotiated terms of the relinquishment include the transfer of funds to the City, the transfer does not occur until cash flow in the State Highway Account improves.

Sincerely,

GRAY DAVIS, Governor

#### MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 546** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules;

**SB 507** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules; and

**SB 548** was withdrawn from the Committee on Elections and Reapportionment and re-referred to the Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

State Capitol, April 16, 2003

Madam President: The Senate Rules Committee has reappointed James A. Bolton, Ph.D. of Alta Dena as a member of the Medical Board of California to serve for a four-year term ending June 1, 2007.

BURTON, Chair

State Capitol, April 21, 2003

The Committee on Rules has referred the following measures to committee:

**Governmental Organization**—AB 1128.

**Public Employment and Retirement**—AB 67.

The Committee on Rules has referred the following measures to two committees:

**Housing and Community Development and Veterans Affairs**—SB 561.

The Committee on Rules has re-referred the following measures to committee:

**Education**—SB 338, SB 507, SB 556, SB 842.

**Environmental Quality**—SB 807.

**Judiciary**—SB 546.

**Judiciary and Revenue and Taxation**—SB 849.

**Local Government**—SB 958.

**Natural Resources and Wildlife**—SB 692.

**Natural Resources and Wildlife and Rules**—SB 619.

**Public Safety**—SB 752, SB 991, SB 1032.

**Revenue and Taxation and Labor and Industrial Relations**—SB 375.

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 17	SB 235	SB 620
SB 684	SB 817	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 17**—An act relating to property taxation.

Bill read second time.

**Senate Bill 235**—An act to amend Section 5780.1 of the Public Resources Code, relating to recreation and parks.

Bill read second time.

**Senate Bill 620**—An act to amend Section 789 of the Insurance Code, relating to insurance.

Bill read second time.

**Senate Bill 684**—An act to add Section 52195 to the Government Code, relating to energy.

Bill read second time.

**Senate Bill 817**—An act relating to employment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 325

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 325**—An act to amend Section 76000 of the Government Code, relating to penalty assessments.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

SB 30            SB 292            SB 361            SB 364

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 30**—An act to amend Section 7159 of the Business and Professions Code, relating to home improvement contracts.

Bill read second time.

**Senate Bill 292**—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

**Senate Bill 361**—An act to amend Sections 4001 and 4003 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

**Senate Bill 364**—An act to amend Sections 144, 3010.1, and 3014.6 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 614                      SB 701                      SB 948

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 614**—An act to amend Section 218 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 701**—An act to add Sections 17053.40 and 23640 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**Senate Bill 948**—An act to add Section 17132.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Energy, Utilities and Communications**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 396

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 396**—An act to amend Section 2893 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 21, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

SCA 6

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Rules.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Judiciary, to which were referred:

SB 660

SB 1013

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 660**—An act to add Section 68154 to the Government Code, relating to courts.

Bill read second time.

**Senate Bill 1013**—An act to amend Sections 340, 340.10, and 437c of, and to repeal Sections 335.1, 1281.96, and 1284.3 of, the Code of Civil Procedure, relating to civil actions.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Local Government, to which were referred:

SB 163

SB 709

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 163**—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

Bill read second time.

**Senate Bill 709**—An act to amend Section 1 of Chapter 1201 of the Statutes of 1991, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, April 21, 2003

Madam President: The Committee on Rules has examined:

SB 1070

And reports that the same has been correctly enrolled, and presented to the Governor on the 21st day of April, 2003, at 2:45 p.m.

BURTON, Chair

#### **Committee on Education**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

SB 187

SB 355

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 187**—An act to amend Sections 44325, 44326, 44328, and 44830.3 of the Education Code, relating to district interns.

Bill read second time.

#### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 187 pursuant to Joint Rule 58.

SENATOR KARNETTE

#### **Permission of Rules Committee**

Senate Chamber, April 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 187.

BURTON, Chair

**Senate Bill 355**—An act to amend Section 51225.3 of the Education Code, relating to curriculum.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

SB 212

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 212**—An act to amend Section 1190 of the Insurance Code, relating to investments.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 950

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ORTIZ, Chair

Above measure ordered filed with the Secretary of the Senate.

**Committee on Business and Professions**

Senate Chamber, April 21, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

SB 359

SB 360

SB 506

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 359**—An act to amend Section 473.3 of the Business and Professions Code, relating to the Joint Legislative Sunset Review Committee.

Bill read second time.

**Senate Bill 360**—An act to amend Section 7303 of the Business and Professions Code, relating to barbering and cosmetology.

Bill read second time.

**Senate Bill 506**—An act to amend Section 4053 of the Business and Professions Code, relating to pharmaceuticals.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 21, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 857

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 857**—An act to add Sections 14087.302 and 14107.12 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 22:** By Senator Florez (Coauthor: Assembly Member Chan)—Relative to Asthma Awareness Month.

**Senate Concurrent Resolution 23:** By Senator Ducheny—Relative to School Library Media Month.

**Senate Concurrent Resolution 24:** By Senator Morrow—Relative to highway designations.

**Senate Joint Resolution 14:** By Senators Florez and Karnette—Relative to the Federal Communications Commission.

**Senate Joint Resolution 15:** By Senator Alarcón—Relative to the federal poverty level.

**Senate Resolution 18:** By Senator Ortiz—Relative to Suicide Prevention Week.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Appropriations**

**SB 39**—Do pass as amended

AYES (8)—Senators Alpert, Battin, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Ashburn.

Date of Hearing: 4/21/03

Alpert (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Loa Farley of Orange, Jo Lyons of Yorba Linda and Glenn “Bucky” Walters of Missoula, Montana.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Laci Rocha Peterson and Conner Peterson of Modesto.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Beatrice F. “Bebe” Simon of Sherman Oaks.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Dr. Ben Dykes, D.D.S., of Jackson and Joseph L. Salyer of Escondido.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Ofc. Raymond J. Giacomelli of Brentwood and Ora Canciamilla of Pittsburg.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Jerald G. “Jerry” McGrath of Gilroy.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Nathan Howard Migden of Yonkers, New York.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Cpl. Jesus Angel Gonzales, USMC of Indio and Cpl. Erik Silva, USMC of Holtville.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Antonio Vazquez of Carpenteria.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Sandra “Sandy” Smith of Stockton and Joseph Mistud of Elk Grove.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Celes King, III of Los Angeles.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Elsie Tognotti Buchenau of Madera.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 22, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, April 22, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock,  
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,  
Scott, Sher, Soto, Speier, Torlakson, and Vincent—37.

Quorum present.

*(NOTE: Senators Florez and Karnette will be excused this day on legislative business and Senator Vasconcellos will be excused this day on personal business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 10, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 77

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 13

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 62	AB 196	AB 310	AB 354
AB 98	AB 249	AB 324	AB 461
AB 137	AB 299	AB 327	AB 582
AB 149	AB 301	AB 346	AB 962

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 16	ACR 19	ACR 34
ACR 79	AJR 7	AJR 12

Assembly Chamber, April 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AJR 5

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 77**—Relative to National Library Week.

**Assembly Bill 62**—An act to add Section 5088 to the Vehicle Code, relating to vehicles.

**Assembly Bill 98**—An act to add Section 512.5 to the Labor Code, relating to employment.

**Assembly Bill 137**—An act to amend Section 18724 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

**Assembly Bill 149**—An act to amend Section 5406.5 of the Labor Code, relating to workers' compensation.

**Assembly Bill 196**—An act to amend Section 12926 of, and to add Section 12949 to, the Government Code, relating to discrimination.

**Assembly Bill 249**—An act to add Section 69432.6 to the Education Code, relating to student financial aid.

**Assembly Bill 299**—An act to add Section 21100.4 to the Vehicle Code, relating to vehicles.

**Assembly Bill 301**—An act to amend Section 27602 of the Vehicle Code, relating to vehicles.

**Assembly Bill 310**—An act to add Sections 33050, 45062, 45168.5, 87835, and 88167.5 to the Education Code, relating to school employees.

**Assembly Bill 324**—An act to amend Sections 1771.5 and 1771.7 of the Labor Code, relating to public works.

**Assembly Bill 327**—An act to amend Sections 4461 and 42001.5 of, and to add Section 42001.7 to, the Vehicle Code, relating to vehicles.

**Assembly Bill 346**—An act to amend Sections 16100 and 16101 of, and to add Sections 16204 and 16402.5 to, the Elections Code, relating to elections.

**Assembly Bill 354**—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

**Assembly Bill 461**—An act to add Section 14312 to the Elections Code, relating to elections.

**Assembly Bill 582**—An act to add Section 35715.1 to the Vehicle Code, relating to vehicle weight limits.

**Assembly Bill 962**—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

**Assembly Concurrent Resolution 16**—Relative to nutrition.

**Assembly Concurrent Resolution 19**—Relative to Joash E. Paul Memorial Highway.

**Assembly Concurrent Resolution 34**—Relative to individuals with developmental disabilities.

**Assembly Concurrent Resolution 79**—Relative to Equal Pay Day.

**Assembly Joint Resolution 7**—Relative to candidates for elective office.

**Assembly Joint Resolution 12**—Relative to the Head Start program.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health and Human Services**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 561

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 561**—An act to amend Sections 985.3 and 1010 of, and to add Section 1010.5 to, the Military and Veterans Code, relating to veterans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 853

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 853**—An act to amend Section 1367 of, and to add Section 1367.04 to, the Health and Safety Code, relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 13	SB 54	SB 92
SB 217	SB 297	SB 337
SB 353	SB 649	SB 1009

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 13**—An act to amend Sections 114710, 114990, and 115060 of, to add Section 25203.5 to, and to add Chapter 10 (commencing with Section 115300) to Part 9 of Division 104 of, the Health and Safety Code, and to add Section 43022.5 to the Public Resources Code, relating to radiation.

Bill read second time.

**Senate Bill 54**—An act to amend Section 18610.5 of, and to add Sections 18407 and 18408 to, the Health and Safety Code, relating to mobilehomes.

Bill read second time.

**Senate Bill 92**—An act to add and repeal Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 217**—An act to add Sections 4566 and 4582.1 to the Public Resources Code, relating to forest resources.

Bill read second time.

**Senate Bill 297**—An act to add Section 6217.2 to the Public Resources Code, relating to salmon.

Bill read second time.

**Senate Bill 337**—An act to amend Section 803 of the Penal Code, relating to limitations of time.

Bill read second time.

**Senate Bill 353**—An act to amend Section 51335 of, and to add Section 51065.5 to, the Health and Safety Code, relating to housing.

Bill read second time.

**Senate Bill 649**—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of, and to add Section 2797 to, the Public Resources Code, relating to mining.

Bill read second time.

**Senate Bill 1009**—An act to make an appropriation in augmentation of Items 9800-011-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2003, relating to state employees, to take effect immediately, as an appropriation for the usual and current expenses of the state.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 117

SB 246

SB 433

SB 601

SB 993

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 117**—An act relating to water.

Bill read second time.

**Senate Bill 246**—An act relating to courts.

Bill read second time.

**Senate Bill 433**—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, relating to tobacco.

Bill read second time.

**Senate Bill 601**—An act to amend Section 12280 of the Penal Code, relating to assault weapons.

Bill read second time.

**Senate Bill 993**—An act to amend Section 422 of the Penal Code, relating to threats

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Housing and Community Development**

Date of Hearing, April 21, 2003

Mr. President: The Committee on Housing and Community Development, to which were referred:

SB 289                      SB 639                      SB 744

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

DUCHENY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 21, 2003

Mr. President: The Committee on Housing and Community Development, to which were referred:

SB 306                      SB 492

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Rules**

Senate Chamber, April 22, 2003

Mr. President: The Committee on Rules has examined:

SB 94

And reports that the same has been correctly enrolled, and presented to the Governor on the 22nd day of April, 2003, at 11:30 a.m.

BURTON, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 456**—An act to amend Section 14825 of the Government Code, relating to the California State Contracts Register.

Bill read second time.

**Senate Bill 791**—An act to amend Sections 13400, 13401, 13402, 13403, 13405, and 13406 of, and to add Chapter 5.5 (commencing with Section 11531) to Part 1 of, and to add Chapter 3.5 (commencing with Section 13343) to Part 3 of, Division 3 of Title 2 of the Government Code, relating to information technology.

Bill read second time.

**Senate Bill 926**—An act to amend Sections 15325, 15346.4, 15346.8, and 65040.9 of the Government Code, relating to military bases.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 926 pursuant to Joint Rule 58.

SENATOR KNIGHT

**Permission of Rules Committee**

Senate Chamber, April 22, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 926.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 562                      SB 578                      SB 729

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 769                      SB 973                      AB 1128

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SCR 10

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

VINCENT, Chair

Above measure ordered to second reading.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 839

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

VINCENT, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 1008

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Judiciary.

**Committee on Judiciary**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 139

SB 294

SB 734

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 139**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

Bill read second time.

**Senate Bill 294**—An act to repeal and add Article 5 (commencing with Section 1263.410) of Chapter 9 of Title 7 of Part 3 of the Code of Civil Procedure, relating to eminent domain.

Bill read second time.

**Senate Bill 734**—An act to amend Section 3040 of, and to add Section 3100.5 to, the Family Code, relating to child custody.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Health and Human Services**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 476

SB 689

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 476**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill read second time.

**Senate Bill 689**—An act to add Article 4 (commencing with Section 104210) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to cancer.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 1016

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1016**—An act to add Section 30101.8 to the Revenue and Taxation Code, relating to tobacco.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 971

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 971**—An act to add Section 89500.5 to the Education Code, relating to the California State University.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 2, 2003

Mr. President: The Committee on Education, to which was referred:

SB 967

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Business and Professions.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 58            SB 425            SB 919            SB 970

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 58**—An act to add Section 964 to the Penal Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 425**—An act to amend Section 530.5 of the Penal Code, relating to identity theft.

Bill read second time.

**Senate Bill 919**—An act to amend Section 243 of the Penal Code, relating to battery.

Bill read second time.

**Senate Bill 970**—An act to add Section 11113 to the Penal Code, relating to fingerprinting

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Business and Professions**

Senate Chamber, April 22, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 736

SB 907

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 736**—An act to amend Sections 17550.4, 17550.13, 17550.20, 17550.21, 17550.47 of the Business and Professions Code, relating to sellers of travel.

Bill read second time.

**Senate Bill 907**—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 701** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules;

**SB 420** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules;

**SB 325** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Judiciary; and

**SB 589** was withdrawn from the Committee on Elections and Reapportionment and re-referred to the Committee on Rules.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 25:** By Senator Johnson—Relative to "Hire a Veteran Month."

**Senate Concurrent Resolution 26:** By Senator Chesbro—Relative to California Nurses Day and California Nurses Week.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 576**—An act to amend Sections 4003 and 4004 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 409**—An act to amend Sections 17070.75 of, and to add Section 33129.5 to, the Education Code, relating to school finance, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 964**—An act to add Section 60852.5 to the Education Code, relating to the high school exit examination.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 339**—An act to add Chapter 9 (commencing with Section 5610) to Part 5 of Division 9 of the Family Code, relating to child support.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 720**—An act to amend Section 884 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 873**—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 828**—An act to add Section 1252.5 to the Health and Safety Code, relating to hospitals.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 987**—An act relating to the California missions, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Joint Resolution 6**—Relative to emergency services.

Resolution read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Constitutional Amendment 8**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

Resolution read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Constitutional Amendments.

**Senate Bill 262**—An act to amend Section 4458 of the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 112**—An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal

Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Transportation.

**Senate Bill 936**—An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 455**—An act to amend Sections 1695.7 and 1695.8 of the Civil Code, relating to home equity sales contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 90**—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 345**—An act to amend Sections 1954.52 and 1954.53 of the Civil Code, to amend Sections 1161.2 and 1166 of, and to add Section 1178.5 to, the Code of Civil Procedure, and to amend Section 34332 of the Health and Safety Code, relating to tenancy.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 259**—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 460**—An act to add Section 53030 to the Education Code, relating to school finance.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 719**—An act to amend Sections 32261, 32262, 35183, 35294.10, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 746**—An act to amend Section 17071.75 of the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 611**—An act to amend Section 99200 of the Education Code, relating to instructional strategies.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 445**—An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 185**—An act to amend Sections 398.4 and 398.5 of the Public Utilities Code, relating to electricity.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 173**—An act to add Section 17206.7 to the Business and Professions Code, and to add Section 391.1 to the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 572**—An act to amend Section 2830 of the Fish and Game Code, relating to natural community conservation planning.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1027**—An act relating to disease prevention, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 617**—An act to add Section 7158.3 to the Health and Safety Code, relating to anatomical gifts.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 70**—An act to amend Section 8483.55 of the Education Code, relating to education, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 606**—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Health and Human Services.

**Senate Bill 140**—An act to amend, add, and repeal Section 48204 of the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 278**—An act to amend Section 3041 of the Penal Code, relating to prisoners.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 278 pursuant to Joint Rule 58.

SENATOR DUCHENY

**Permission of Rules Committee**

Senate Chamber, April 22, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 278.

BURTON, Chair

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 676**—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

**Senate Bill 871**—An act to amend Section 39152 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 208**—An act to add Section 114716 to the Health and Safety Code, relating to radiation.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Constitutional Amendment 6**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XII thereof, relating to public utilities.

Resolution read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

#### **SENATE COMMITTEE ROLL CALLS** **Committee on Environmental Quality**

**SB 201**—Do pass as amended and re-refer to Committee on Health and Human Services

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 647**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 656**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 981**—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (4)—Senators Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

Date of Hearing: 4/21/03

Sher (Chair)

**Committee on Governmental Organization****SB 562**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 578**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Machado, Murray, Soto, and Vincent.

NOES (2)—Senators Johnson and Margett.

**SB 729**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Machado, Murray, Soto, and Vincent.

NOES (2)—Senators Brulte and Margett.

**SB 769**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 839**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, and Vincent.

NOES (0)—None.

**SB 973**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 1008**—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SCR 10**—Be adopted, to Consent Calendar

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1128**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 4/22/03

Vincent (Chair)

**Committee on Housing and Community Development****SB 289**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**SB 306**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 321**—Do pass as amended and re-refer to Committee on Transportation

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**SB 492**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**SB 639**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (1)—Senator Ackerman.

**SB 744**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (1)—Senator Ackerman.

Date of Hearing: 4/21/03

Ducheny (Chair)

**Committee on Natural Resources and Wildlife****SB 23**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Denham, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Bowen, Hollingsworth, and Oller.

**SB 218**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

**SB 277**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 281**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

Failed passage

**SB 281**—Reconsideration granted

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 418**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**SB 557**—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (5)—Senators Alpert, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**SB 623**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 643**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (5)—Senators Bowen, Kuehl, Ortiz, Sher, and Torlakson.

Failed passage

**SB 643**—Reconsideration granted

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 692**—Do pass

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 737**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

Failed passage

**SB 737**—Reconsideration granted

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**SB 754**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 4/22/03

Kuehl (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez and Karnette.

The following Senator was granted leave of absence for the day due to personal business: Senator Vasconcellos.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Deputy Paul “Woody” Woodruff of Auburn and Andrew R. Bruton of Roseville.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator’s request until 9 a.m., Wednesday, April 23, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTIETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, April 23, 2003

The Senate met at 9 a.m.  
Hon. Pete Knight, of the 17th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Karnette will be excused this day on legislative business.)*

**ASSEMBLY ASKED TO RETURN BILL**

Without objection, the Secretary of the Senate was directed to request that the Assembly return SB 1073 to the Senate for further action.

**REPORTS OF STANDING COMMITTEES**

**Committee on Agriculture and Water Resources**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 906

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Local Government.

MACHADO, Chair

Above measure re-referred to the Committee on Local Government.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 411

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Natural Resources and Wildlife.

MACHADO, Chair

Above measure re-referred to the Committee on Natural Resources and Wildlife.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

SB 312

SB 318

SB 543

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

SB 56

SB 642

SB 840

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing, April 21, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 39

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 260

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 260**—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 692

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 218

SB 623

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 607

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Veterans Affairs**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 748

SB 965

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MORROW, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Elections and Reapportionment**

Senate Chamber, April 2, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 530

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 530**—An act to amend Section 86109.5 of the Government Code, relating to lobbying.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 226

SB 463

SB 717

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 226**—An act to amend Sections 273.6 and 12021 of the Penal Code, relating to firearms.

Bill read second time.

**Senate Bill 463**—An act to amend Section 15660 of the Welfare and Institutions Code, relating to in-home supportive services.

Bill read second time.

**Senate Bill 717**—An act to add Section 273.2 to the Penal Code, relating to child endangerment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 875

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 875**—An act to amend Section 49530 of the Education Code, relating to child nutrition.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1128

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 841

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 841**—An act to amend Section 1215.9 of the Insurance Code, relating to insurance holding companies.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 841 pursuant to Joint Rule 58.

SENATOR PERATA

**Permission of Rules Committee**

Senate Chamber, April 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 841.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 283

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 493

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

ESCUTIA, Chair

Above measure re-referred to the Committee on Environmental Quality.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 434

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

ESCUTIA, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 666

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 107                      SB 659                      SB 834  
SB 874                      SB 920

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 655                      SB 792

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUZIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 210                      SB 333                      SB 804                      SB 1030

Reports the same back with the recommendation: Do pass.

ESCUZIA, Chair

Above bills ordered to second reading.

**Committee on Local Government**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 407                      SB 1068

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 726                      SB 1064

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 726**—An act to amend Section 32010 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 1064**—An act to amend Sections 23701h and 23701x of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 540

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 540**—An act to add Section 1569.628 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 724

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 724**—An act to amend Section 20400 of the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 807

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 807**—An act to amend Section 42310 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 67

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Environmental Quality**

Date of Hearing, April 21, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 981

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

SHER, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 358

SB 362

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 358**—An act to amend Sections 2701, 2708, 2841, 2847, 4501, and 4503 of the Business and Professions Code, relating to healing arts.

Bill read second time.

**Senate Bill 362**—An act to amend Sections 1616.5 and 1742 of, and to amend and repeal Section 1601.1 of, the Business and Professions Code, relating to dental professionals.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 481	SB 484	SB 525
SB 542	SB 674	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 481**—An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

Bill read second time.

**Senate Bill 484**—An act to amend Section 68075 of the Education Code, relating to public postsecondary education.

Bill read second time.

**Senate Bill 525**—An act relating to education funding.

Bill read second time.

**Senate Bill 542**—An act to amend Sections 66010.6, 66903, 94770, and 94780 of, to amend and renumber Sections 94900, 94901, and 94905 of, to add Section 66903.1 to, to add a chapter heading immediately preceding Section 94250 of, to repeal Sections 12090, 12091, 12092, 12093, and 12094 of, and to repeal the heading of Article 8 (commencing with Section 94900) of Chapter 7 of Part 59 of, the Education Code, relating to postsecondary education.

Bill read second time.

**Senate Bill 674**—An act to amend Section 37700 of the Education Code, relating to schooldays.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 763

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 877

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 877**—An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 257

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 793

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bill ordered to second reading.

**Committee on Rules**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

ACR 63

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Concurrent Resolution 63**—Relative to Cesar Chavez Day.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 452

SB 575

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 452**—An act to amend Sections 89260 and 89260.5 of the Education Code, relating to the California State University.

Bill read second time.

**Senate Bill 575**—An act to amend Section 33126 of the Education Code, relating to school accountability.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 23, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 577

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Concurrent Resolution 10**—Relative to tribal gaming.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 967**—An act to amend Sections 94800, 94802, and 94905 of, to amend and renumber Section 94740.1 of, and to add Sections 94740.3 and 94740.5 to, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Business and Professions.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **SB 70** was referred to the Committee on Appropriations.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 23, 2003

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: Pursuant to the request of the Senate, I am herewith returning SB 1073 to the Senate.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measure ordered held at Desk.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Joint Resolution 16:** By Senator Morrow—Relative to military airfares.

**SENATE COMMITTEE ROLL CALLS****Committee on Agriculture and Water Resources**

**SB 56**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 312**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Ducheny, Kuehl, Machado, Margett, Perata, and Torlakson.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and Poochigian.

**SB 318**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 411**—Do pass and re-refer to Committee on Natural Resources and Wildlife

AYES (12)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 543**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Bowen, Ducheny, Kuehl, Machado, Perata, and Torlakson.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and Margett.

**SB 633**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 642**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 840**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

**SB 906**—Do pass and re-refer to Committee on Local Government

AYES (11)—Senators Aanestad, Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (1)—Senator Bowen.

Date of Hearing: 4/22/03

Machado (Chair)

**Committee on Education****SB 19**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 40**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 65**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alpert, Chesbro, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and McPherson.

**SB 78**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Chesbro, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

**SB 257**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 258**—Do pass as amended, to Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 677**—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Alpert, Chesbro, Romero, Scott, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and McPherson.

**SB 763**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 793**—Do pass

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 801**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 4/23/03

Vasconcellos (Chair)

**Committee on Energy, Utilities and Communications****SB 107**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 118**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 168**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 183**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 429**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 659**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

**SB 834**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

**SB 874**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

**SB 911**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Morrow, Murray, and Sher.

NOES (1)—Senator McClintock.

**SB 920**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Sher.

NOES (1)—Senator Morrow.

**SB 1015**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, McClintock, Morrow, and Murray.

NOES (2)—Senators Bowen and Sher.

Failed passage

Date of Hearing: 4/22/03

Bowen (Chair)

**SB 1015**—Reconsideration granted

AYES (4)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

**Committee on Judiciary****SB 134**—Do pass as amended

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 210**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 265**—Do pass

AYES (3)—Senators Cedillo, Escutia, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

Failed passage

**SB 265**—Reconsideration granted

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 283**—Do pass as amended, to Consent Calendar

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 333**—Do pass

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Ackerman.

**SB 434**—Do pass and re-refer to Committee on Public Safety

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Ackerman.

**SB 493**—Do pass and re-refer to Committee on Environmental Quality

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 602**—Do pass as amended and re-refer to Committee on Public Safety

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Ackerman.

**SB 655**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 666**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**SB 772**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 780**—Do pass as amended and re-refer to Committee on Transportation

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Ackerman.

**SB 792**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 804**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 1030**—Do pass

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Morrow.

NOES (1)—Senator Kuehl.

Date of Hearing: 4/22/03

Escutia (Chair)

**Committee on Local Government****SB 163**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 407**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 465**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 709**—Do pass as amended and re-refer to Committee on Rules

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 833**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**SB 1068**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 4/23/03

Torlakson (Chair)

#### **Committee on Public Employment and Retirement**

**AB 67**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Oller, and Soto.

NOES (0)—None.

Date of Hearing: 4/23/03

Soto (Chair)

#### **Committee on Veterans Affairs**

**SB 748**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

**SB 838**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

**SB 965**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Ducheny, Dunn, Knight, and Morrow.

NOES (0)—None.

Date of Hearing: 4/22/03

Morrow (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Karnette.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Knight requested that when the Senate adjourns this day it do so in memory of Sandra Kay Tillery of Barstow.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 8:30 a.m., Thursday, April 24, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, April 24, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.  
Quorum present.

*(NOTE: Senators Karnette, Machado, and Poochigian will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Spirit of Wisdom and Understanding*, Enlighten our minds to perceive the mysteries of the universe in relation to eternity. Spirit of right judgment and courage, guide us and make us firm in our decision to follow Your ways. Spirit of knowledge and reverence, help us to see the lasting value of justice and mercy in our everyday dealings with one another. May we respect all life as we work to solve problems of state and nation, economy and ecology. Spirit of God, spark our faith, hope and love into new action each day. Fill our lives with wonder and awe in Your presence which penetrates all creation.—Amen.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Knight led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Elections and Reapportionment**

Senate Chamber, April 24, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 1023

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1023**—An act to amend Sections 13000, 13004, and 13103 of, and to repeal Section 13007 of, the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 24, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 44

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 44**—An act to add Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, April 24, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 21

SB 563

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 21**—An act to add Sections 79505.5, 79522, 79532, 79533, 79534, 79535, 79540.1, 79541.1, 79542.1, 79543.1, 79544.1, 79544.2, 79547, 79555, 79560.5, 79562.5, 79564.1, 79564.5, 79568.5, and 79571.5 to the Water Code, relating to water.

Bill read second time.

**Senate Bill 563**—An act relating to water resources, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (SB 1073)**

Without objection, unanimous consent was granted that the action be rescinded whereby SB 1073 was passed to the Assembly, and that the measure be referred to the Committee on Natural Resources and Wildlife.

**SPECIAL CONSENT CALENDAR SET**

Without objection, SCR 25, SJR 14 and ACR 49 will be withdrawn from committee and taken up this day as a Special Consent Calendar.

**Senator Alpert Presiding****REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Figueroa:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (a)(2) in order that SB 77, SB 358, SB 359, SB 360, SB 361, SB 362, SB 363, SB 364, SB 398, SB 506, SB 542, SB 967, and SB 1017 may be reported by the Committee on Business and Professions after the May 2, 2003 deadline.

SENATOR FIGUEROA

The following request was presented by Senator Ortiz:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 1081 may be reported by the Committee on Health and Human Services after the May 2, 2003 deadline.

SENATOR ORTIZ

The following request was presented by Senator Speier:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (a)(2) in order that SB 620 may be reported by the Committee on Insurance after the May 2, 2003 deadline.

SENATOR SPEIER

The following request was presented by Senator Torlakson:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 906 may be reported by the Committee on Local Government after the May 2, 2003 deadline.

SENATOR TORLAKSON

The following request was presented by Senator Machado:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 533 may be reported by the Committee on Agriculture and Water Resources after the May 2, 2003 deadline.

SENATOR MACHADO

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN  
30 CALENDAR DAYS**

The following request was presented by Senator Figueroa:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1077**, **SB 1078**, **SB 1079**, and **SB 1080** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR FIGUEROA

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION AND SUSPEND JOINT RULE 55**

*Resolved*, That Article IV, Section 8(a) of the Constitution and Joint Rule 55 and 61(a)(2) be suspended as requested.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Hollingsworth, Johnson, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 39**—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 692**—An act to amend Section 853 of the Fish and Game Code, relating to the Department of Fish and Game.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 607**—An act to amend Section 14509.4 of the Public Resources, relating to beverage container recycling.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 283**—An act to amend Sections 9102, 9304, and 9309 of the Commercial Code, relating to commercial law.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 210**—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to amend Section 1308.6 of the Labor Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 333**—An act to amend Section 11580.2 of the Insurance Code, relating to automobile insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 804**—An act to amend Section 704.730 of the Code of Civil Procedure, relating to homesteads.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1030**—An act to add Section 7630.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity testing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 981**—An act to add Division 29 (commencing with Section 38000) to the Public Resources Code, relating to petroleum pollution, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

**Senate Bill 793**—An act to amend Sections 44832 and 44955 of the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1128**—An act relating to horse racing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 39)**

Senator Perata asked for, and was granted, unanimous consent to take up SB 39 at this time.

#### **Consideration of Senate Bill 39**

**Senate Bill 39**—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

#### **Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

**UNFINISHED BUSINESS****Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Arthur G. Baggett, Jr., Member, State Water Resources Control Board.  
Gary M. Carlton, Member, State Water Resources Control Board.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McPherson, Morrow, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Helen R. Mars, Member, Fair Employment and Housing Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McPherson, Morrow, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

George Woolverton, Member, Fair Employment and Housing Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Burton moved a call of the Senate.

**THIRD READING OF SENATE BILLS**

**Senate Bill 116**—An act to amend Section 798.51 of, and to add Section 799.10 to, the Civil Code, relating to mobilehome parks.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (1)—Senator Ackerman.

Bill ordered transmitted to the Assembly.

**Senate Bill 37**—An act to add Section 798.74.4 to the Civil Code, relating to mobilehomes.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McPherson, Morrow, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (3)—Senators Ackerman, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 75**—An act to add Section 1164.15 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Burton.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Burton moved a call of the Senate.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 39)**

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 39 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Johnson, Knight, Kuehl, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Hollingsworth, Margett, McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Johnson, Knight, Kuehl, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Hollingsworth, Margett, McClintock, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)****FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (GOVERNOR'S APPOINTMENT)**

On motion of Senator Burton, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and the Governor's appointment was confirmed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 538**—An act to amend Section 65863.10 of the Government Code, relating to housing.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 75)**

On motion of Senator Burton, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 75 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Margett moved that **SB 499** be placed on the inactive file.

Motion carried.

**CONSENT CALENDAR**

**Senate Concurrent Resolution 6**—Relative to California Hispanic Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 41**—Relative to the California Tow Truck Association.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 25**—Relative to “Hire a Veteran Month.”

Resolution read, and adopted.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Joint Resolution 14**—Relative to the Federal Communications Commission.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 49**—Relative to the California Golden Poppy.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (35)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

#### **Request for Co-Authors**

On request of Senator Johnson, coauthors were added to SCR 25.

Resolution ordered transmitted to the Assembly.

#### **CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution 11**—Relative to HIV and AIDS drug treatment.

Resolution read third time.

#### **Amendments Adopted**

Amendments to SCR 11 proposed by Senator Soto were read and adopted and the measure ordered printed, engrossed, and to second reading.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 1009** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

**SB 456** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules;

**SB 355** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

**SB 396** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Rules.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Karnette, Machado, and Poochigian.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:50 a.m., further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, April 28, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 24, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 8

Above resolution ordered enrolled.

Assembly Chamber, April 24, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 79	AB 805	AB 76	AB 1124
AB 313	AB 812	AB 109	AB 1208
AB 317	AB 853	AB 202	AB 1457
AB 326	AB 908	AB 248	AB 1689
AB 353	AB 965	AB 268	AB 1733
AB 523	AB 1106	AB 347	
AB 583	AB 1125	AB 478	
AB 709	AB 1501	AB 579	

Assembly Chamber, April 24, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 3	ACR 22	ACR 40	ACR 53
ACR 78	ACR 89	AJR 13	

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 79**—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 313**—An act to repeal Section 50707 of the Financial Code, relating to mortgage lending.

**Assembly Bill 317**—An act to amend Section 78636 of the Food and Agricultural Code, relating to food and agriculture.

**Assembly Bill 326**—An act to amend Section 30801 of the Food and Agricultural Code, relating to animals.

**Assembly Bill 353**—An act to amend Section 361.5 of the Welfare and Institutions Code, relating to child welfare services.

**Assembly Bill 523**—An act to amend Sections 7507.9 and 7507.10 of, and to add Section 7507.14 to, the Business and Professions Code, relating to collateral recovery.

**Assembly Bill 583**—An act to amend Section 377 of the Public Utilities Code, relating to public utilities.

**Assembly Bill 709**—An act to add Section 11106.7 to the Health and Safety Code, relating to controlled substances.

**Assembly Bill 805**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

**Assembly Bill 853**—An act to amend Sections 16429, 16475, 16475.5, and 16480.6 of the Government Code, relating to state funds.

**Assembly Bill 908**—An act to add Section 89536.1 to the Education Code, relating to the California State University.

**Assembly Bill 965**—An act to add Section 423.5 to the Government Code, relating to state emblems.

**Assembly Bill 1106**—An act to amend Section 832.7 of the Penal Code, relating to peace officers.

**Assembly Bill 1125**—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water.

**Assembly Bill 1501**—An act to amend Section 85401 of the Government Code, relating to the Political Reform Act of 1974.

**Assembly Bill 76**—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

**Assembly Bill 109**—An act to amend Section 3543.5 of the Government Code, relating to public school employment.

**Assembly Bill 202**—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

**Assembly Bill 248**—An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

**Assembly Bill 268**—An act to amend Section 19995.4 of the Government Code, relating to state employment.

**Assembly Bill 347**—An act to add Section 4158 to the Food and Agricultural Code, relating to district agricultural associations, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 478**—An act to amend Section 22851.3 of the Vehicle Code, relating to vehicles.

**Assembly Bill 579**—An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code, relating to dependent children.

**Assembly Bill 1124**—An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

**Assembly Bill 1208**—An act to amend Section 1091 of the Government Code, relating to conflicts of interest.

**Assembly Bill 1457**—An act relating to telecommunications, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1689**—An act to amend Section 14311 of the Elections Code, relating to elections.

**Assembly Bill 1733**—An act to amend and repeal Section 454.5 of the Public Utilities Code, relating to electricity.

**Assembly Concurrent Resolution 3**—Relative to the National Academy of Recording Arts and Sciences.

**Assembly Concurrent Resolution 22**—Relative to California Peace Officers' Memorial Day.

**Assembly Concurrent Resolution 40**—Relative to the City of Compton Planning and Transportation Project Task Force.

**Assembly Concurrent Resolution 53**—Relative to the Fair Housing Act of 1963.

**Assembly Concurrent Resolution 78**—Relative to National Public Works Week.

**Assembly Concurrent Resolution 89**—Relative to the Boy Scouts of America.

**Assembly Joint Resolution 13**—Relative to medical cannabis.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, April 23, 2003

Madam President: The Senate Rules Committee has extended the Select Committee on International Trade Policy and State Legislation through November 30, 2004, and appointed Senator Figueroa to serve as Chair.

The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Erica Jacquez-Santos of Lakewood as a member of the Domestic Violence Program Advisory Council to serve at the pleasure of the Rules Committee.

Appointed Mr. Leon Kirakosian of Montebello and Mr. William J. Lowenberg of San Francisco as members of the California Taskforce on Holocaust, Genocide, Human Rights, and Tolerance Education to serve for terms ending April 23, 2005.

Appointed Mr. Tyrone R. Freeman of Winnetka as a member of the Prison Industry Board to serve for a term ending January 1, 2005.

Appointed Mr. Darryl G. Honda of San Francisco as a member of the State Assistance Fund for Enterprise, Business and Industrial Development Corporation (SAFE-BIDCO) to serve for a term ending March 1, 2006.

Appointed Mr. James A. Peugh of San Diego as a member of the San Diego River Conservancy to serve for a term ending January 1, 2007.

Appointed Ms. Judith L. Lamare of Sacramento as a member of the Smog Check Inspection and Maintenance Review Committee to serve for a term ending April 23, 2007.

Appointed Ms. Josefina Baltodano of Orinda as a member of the California Student Aid Commission to serve for a term ending January 1, 2007.

BURTON, Chair

**Committee on Rules**

State Capitol, April 23, 2003

The Committee on Rules has referred the following measure to committee:

**Transportation**—SCR 24.

The Committee on Rules has re-referred the following measure to two committees:

**Elections and Reapportionment and Constitutional Amendments**—SCA 6.

The Committee on Rules has re-referred the following measures to committee:

**Agriculture and Water Resources**—SB 117.

**Environmental Quality**—SB 701.

**Health and Human Services**—SB 428, SB 1014.

**Insurance and Judiciary**—SB 620.

**Judiciary**—SB 246.

**Labor and Industrial Relations**—SB 229, SB 817.

**Local Government**—SB 456.

**Natural Resources and Wildlife**—SB 235.

**Public Employment and Retirement**—SB 269.

**Public Safety**—SB 420, SB 601, SB 684, SB 839, SB 993.

**Revenue and Taxation**—SB 17, SB 433, SB 548, SB 1009.

**Rules**—SB 589.

**Transportation**—SB 248.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 569

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALARCÓN, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

SB 125

SB 899

SB 1007

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

ALARCÓN, Chair

Above measures re-referred to the Committee on Rules.

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 534

Reports the same back with the recommendation: Do pass.

ALARCÓN, Chair

Above bill ordered to second reading.

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 727

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Rules**

Date of Hearing, April 23, 2003

Madam President: The Committee on Rules, to which was referred:

SCR 12

Reports the same back with the recommendation: Be adopted.

BURTON, Chair

Above resolution ordered to third reading.

Date of Hearing, April 23, 2003

Madam President: The Committee on Rules, to which were referred:

ACR 33

ACR 43

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

BURTON, Chair

Above measures ordered to second reading.

State Capitol, April 23, 2003

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Robert H. Hattoy, Member, Fish and Game Commission (4-0)

Kenneth L. Risen, Member, Board of Prison Terms (4-0)

Steve Clute, Member, Electricity Oversight Board (4-0)

William Kissinger, Member, Electricity Oversight Board (4-0)

Nancy E. McFadden, Member Electricity Oversight Board (4-0)

Janet M. Green, Member, Board of Governors, State Bar of California (4-0)

John G. Snetsinger, Ph.D., Member, Board of Governors, State Bar of California (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Housing and Community Development**

Date of Hearing, April 21, 2003

Madam President: The Committee on Housing and Community Development, to which was referred:

SB 321

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Transportation.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, April 23, 2003

Madam President: The Committee on Health and Human Services, to which were referred:

SB 308

SB 827

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Madam President: The Committee on Health and Human Services, to which were referred:

SB 323

SB 379

SB 591

SB 693

SB 771

SB 953

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Judiciary, to which were referred:

SB 146

SB 335

SB 544

SB 1025

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 146**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time.

**Senate Bill 335**—An act to add Title 6 (commencing with Section 40000) to the Corporations Code, relating to corporations.

Bill read second time.

**Senate Bill 544**—An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

Bill read second time.

**Senate Bill 1025**—An act to amend Section 12955.1 of the Government Code, relating to fair housing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Public Safety**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Public Safety, to which were referred:

SB 300

SB 991

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 300**—An act to add Section 2912.5 to the Penal Code, relating to foreign prisoners.

Bill read second time.

**Senate Bill 991**—An act to add Section 3053.7 to the Penal Code, relating to sex offenders.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 402

SB 417

SB 593

SB 935

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 402**—An act to add Chapter 3.61 (commencing with Section 7290.1) to Part 1.7 of Division 2 of the Revenue and Taxation

Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 417**—An act to add Section 17140.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**Senate Bill 593**—An act to add Sections 100.51 and 721.51 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 935**—An act to add Sections 18154 and 24996 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 23, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

SB 1061

SB 1065

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 451

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

CEDILLO, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 23, 2003

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 285

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

CEDILLO, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 9, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

SB 1059

SB 1062

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Constitutional Amendments**

Date of Hearing, April 23, 2003

Madam President: The Committee on Constitutional Amendments, to which was referred:

SCA 7

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

POOCHIGIAN, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 193

SB 508

SB 731

SB 962

SB 1067

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 193**—An act relating to postsecondary education.

Bill read second time.

**Senate Bill 508**—An act relating to automobile sales financing.

Bill read second time.

**Senate Bill 731**—An act to amend Section 3208 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Senate Bill 962**—An act to amend Section 201 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 1067**—An act to amend Sections 2205 and 5008.6 of the Corporations Code, relating to corporations.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 927

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 927**—An act to add Chapter 2 (commencing with Section 2500) of Part 9 of Division 2 of the Labor Code, relating to stadiums and arenas.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 197

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 204

SB 700

SB 705

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 204**—An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

Bill read second time.

**Senate Bill 700**—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, and 41551.5 to, and to amend and repeal Section 41705 of, the Health and Safety Code, relating to air quality.

Bill read second time.

**Senate Bill 705**—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Date of Hearing, April 22, 2003

Madam President: The Committee on Judiciary, to which was referred:  
SB 780

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Transportation.

ESCUTIA, Chair

Above measure ordered to second reading.

#### **Committee on Business and Professions**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

SB 363            SB 490            SB 506            SB 1080

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 363**—An act to amend Section 5810 of the Business and Professions Code, relating to interior designers.

Bill read second time.

**Senate Bill 490**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

**Senate Bill 506**—An act to amend Section 4053 of, and to add Section 4053.5 to, the Business and Professions Code, relating to pharmaceuticals.

Bill read second time.

**Senate Bill 1080**—An act to amend Sections 5061, 5081, 5081.1, 5082, 5082.2, 5107, 5134, and 7583.9 of, and to repeal and add Section

5082.1 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Local Government, to which were referred:

SB 806

SB 1037

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 806**—An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

Bill read second time.

**Senate Bill 1037**—An act to amend Sections 66453 and 66473.3 of, and to repeal Section 66473.2 of, the Government Code relating to subdivisions.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Governmental Organization**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 856

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 856**—An act relating to state property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

SB 5                    SB 524                    SB 823                    SB 842

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 5**—An act to add Section 60605.3 to the Education Code, relating to curriculum.

Bill read second time.

**Senate Bill 524**—An act to amend and repeal Section 51852 of the Education Code, relating to instruction.

Bill read second time.

**Senate Bill 823**—An act to add Sections 8534.5, 8536.1, 8540, and 8541 to the Education Code, relating to students.

Bill read second time.

**Senate Bill 842**—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 23, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 629

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 21, 2003

Madam President: The Committee on Environmental Quality, to which was referred:

SB 647

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 22, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 168

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 24, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 925

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 925**—An act to amend Section 6950 of the Fish and Game Code, relating to invasive species.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on April 28:

SB 61	SB 491	SB 730	SB 612
SB 572	SB 793	SCR 13	

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 873** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

**SB 841** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 769** was withdrawn from committee and placed on file.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 27:** By Senators Speier, Alpert, Ducheny, Johnson, Kuehl, Ortiz, Soto, and Torlakson (Coauthors: Assembly Members Chavez, Levine, Lieber, and Mullin)—Relative to physical education.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: April 1, 2003, relating to the Drug Endangered Children program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Public Safety.

A report dated: April 3, 2003, relating to Institutional Financial Aid programs was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 4, 2003, relating to Ethnicity and Gender in Contracts was received from the Department of the Youth Authority and transmitted to the Committee on Governmental Organization.

A report dated: April 4, 2003, relating to the Capitol Area Plan was received from the Department of General Services and transmitted to the Committee on Rules.

A report dated: April 8, 2003, relating to the Investment and Lending Fraud pilot program was received from the Department of Corporations and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 8, 2003, relating to the Ongoing Auditing Resources Performance Evaluation was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 8, 2003, relating to the *Plata* and *Madrid* Lawsuit was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 8, 2003, relating to the human resource shortage in services was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: April 9, 2003, relating to vehicle theft deterrence was received from the California Highway Patrol and transmitted to the Committee on Transportation.

An initiative title and summary dated: April 9, 2003, relating to Legalized Casino-Type Gambling. City of Adelanto Pilot Program. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: April 11, 2003, relating to the District of Choice Alternative Interdistrict Attendance program, 1995–2002, was received from the Department of Education and transmitted to the Committee on Education.

A report dated: April 11, 2003, relating to Unearned Child Care and Development Funds was received from the Department of Education and transmitted to the Committee on Education.

A report dated: April 14, 2003, relating to the California Beverage Container Recycling program was received from the Department of Conservation and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: April 14, 2003, relating to representation before the Federal Energy Regulatory Commission was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 16, 2003, relating to Work Plan 2003 was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 16, 2003, relating to research studies was received from the Department of Corrections and transmitted to the Committee on Public Safety.

An investigative report dated: April 17, 2003, relating to improper state employee activity under the Whistleblower Protection Act was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: April 17, 2003, relating to the No Child Left Behind Act was received from the Department of Education and transmitted to the Committee on Education.

A report dated: April 18, 2003, relating to the 2002 Pilot project was received from the San Diego Hospice and transmitted to the Committee on Health and Human Services.

A report dated: April 21, 2003, relating to the Customer Credit Renewable Resources Account was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: April 23, 2003, relating to expenditures and activities was received from the California Consumer Power and Conservation Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: April 24, 2003, relating to the fee management and disciplinary process was received from the California State Bar and transmitted to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Constitutional Amendments**

**SCA 7**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Bowen, Burton, Escutia, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/23/03

Poochigian (Chair)

**Committee on Health and Human Services**

**SB 130**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 133**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Aanestad, Ashburn, and Battin.

NOES (7)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

Failed passage

**SB 133**—Reconsideration granted

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 231**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 308**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 322**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 323**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Ashburn.

**SB 379**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 475**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 591**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 635**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 693**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 739**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

**SB 771**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 774**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 778**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 827**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 855**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 857**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Ashburn, Chesbro, Escutia, Figueroa, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 953**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Date of Hearing: 4/23/03

Ortiz (Chair)

#### **Committee on Labor and Industrial Relations**

**SB 125**—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators McClintock and Oller.

**SB 176**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 197**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators Margett and Oller.

**SB 223**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 365**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 366**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 478**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (1)—Senator Oller.

**SB 534**—Do pass

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 569**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 595**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 629**—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 714**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 727**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators McClintock and Oller.

**SB 757**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 758**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 759**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 868**—Do pass as amended

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 893**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 899**—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 996**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**SB 1007**—Do pass and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 1010**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

**SB 1011**—Do pass and re-refer to Committee on Public Employment and Retirement

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

Failed passage

Date of Hearing: 4/23/03

Alarcón (Chair)

**Committee on Revenue and Taxation****SB 285**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 330—Do pass**

AYES (2)—Senators Knight and Poochigian.

NOES (1)—Senator Alpert.

Failed passage

**SB 330—Reconsideration granted**

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 451—Do pass and re-refer to Committee on Rules**

AYES (5)—Senators Alpert, Ashburn, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 663—Do pass and re-refer to Committee on Judiciary**

AYES (2)—Senators Burton and Cedillo.

NOES (2)—Senators Ashburn and Knight.

Failed passage

**SB 663—Reconsideration granted**

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 760—Do pass as amended and re-refer to Committee on Appropriations**

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 1061—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 1065—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/23/03

Cedillo (Chair)

**Committee on Rules****SCR 12—Be adopted**

AYES (3)—Senators Burton, Johnson, and Romero.

NOES (0)—None.

**ACR 33—Be adopted, to Consent Calendar**

AYES (4)—Senators Burton, Johnson, Knight, and Romero.

NOES (0)—None.

**ACR 43**—Be adopted, to Consent Calendar

AYES (4)—Senators Burton, Johnson, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 4/23/03

Burton (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of his father Rev. Wilhelm Christian Dahl Aanestad of Huntington Beach.

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of William Theodore Hartz of Adelanto.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Deanna Nordquist Peterson of Los Angeles.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Sunny Marsh of Stockton.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of James Roy Thompson of Elk Grove.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Louise Margaret Clarke of Richland, Washington.

Senators Kuehl and Bowen requested that when the Senate adjourns this day it do so in memory of Graham Jarvis of Pacific Palisades.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, April 28, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, April 28, 2003

The Senate met at 1:30 p.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

*(NOTE: Senator Vincent will be excused this day due to illness and Senator Bowen will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Holy Spirit*, Be with us today. Be our teacher, our guide, our counselor, our friend. Fill us with Your gifts, especially the gifts of wisdom, discernment, knowledge, understanding, compassion, love, and awe in God's presence. In all that we think, say, and do, let it be in accordance with Your most holy and perfect will. For this we pray.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Denham led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 24, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1207

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 1207**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement.

**REPORTS OF STANDING COMMITTEES****Committee on Environmental Quality**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 807

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 807**—An act to amend Section 42310 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

SB 430                      SB 530                      SB 610

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 430**—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read second time.

**Senate Bill 530**—An act to amend Section 86109.5 of the Government Code, relating to lobbying.

Bill read second time.

**Senate Bill 610**—An act to amend Section 12302 of, and to repeal and add Section 12309 of, the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 686                      SB 937

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 686**—An act to amend Sections 1417.2 and 1428 of the Health and Safety Code, to amend Section 674.6 of, to add Section 674.8 to, and to add Chapter 5 (commencing with Section 11890) to Part 3 of Division 2 of, the Insurance Code, relating to long-term health care facilities.

Bill read second time.

**Senate Bill 937**—An act to amend Sections 1208, 1212, and 1217 of, and to add Sections 1218.1, 1218.2, 1226.1, and 1226.3 to, the Health and Safety Code, relating to clinics.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

### Committee on Education

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

SB 14                      SB 592                      SB 680

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 14**—An act to add Chapter 10 (commencing with Section 16800) and Chapter 11 (commencing with Section 16850) to Part 10 of the Education Code, relating to child care and development.

Bill read second time.

**Senate Bill 592**—An act to amend Section 60061 of the Education Code relating to public schools.

Bill read second time.

**Senate Bill 680**—An act to add Article 6.3 (commencing with Section 69439.3) to Chapter 1.7 of Part 42 of the Education Code, relating to student financial aid.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

### Committee on Banking, Commerce and International Trade

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Banking, Commerce and International Trade, to which was referred:

SB 395

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 395**—An act to add Section 13042 to the Financial Code, relating to automated teller machines.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

### Committee on Rules

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 512                      SB 749                      SB 750                      SB 785

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 512**—An act to amend Section 36620 of the Public Resources Code, relating to natural resources.

Bill read second time.

**Senate Bill 749**—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

Bill read second time.

**Senate Bill 750**—An act to add Division 26.7 (commencing with Section 79600) to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 785**—An act to amend Section 14105 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Local Government, to which were referred:

SB 293

SB 898

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 293**—An act to add Sections 66007.1 and 66007.2 to the Government Code, relating to development.

Bill read second time.

**Senate Bill 898**—An act to add and repeal Section 51221 of the Government Code, relating to land conservation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, April 23, 2003

Madam President: The Committee on Education, to which was referred:  
SB 40

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Madam President: The Committee on Education, to which was referred:  
SB 19

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 888

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 888**—An act to amend Sections 335, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add Sections 330.1, 330.2, 330.4, 330.6, 367.5, 393.1, 393.2, 454.10, and 761.7 to, to repeal Sections 334, 338, 341.1, 341.5, 346, 348, 350, 355, 356, 359, 360, 361, 365, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal and add Sections 330 and 366 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

SB 77

SB 358

SB 398

SB 816

SB 821

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 77**—An act to amend Section 2622 of, to add Section 2623 to, and to repeal and add Section 2620 of, the Business and Professions Code, relating to healing arts.

Bill read second time.

**Senate Bill 358**—An act to amend Sections 2701, 2702, 2703, 2708, 2725, 2815, 2815.1, 2841, 2847, 2878, 2893, 2895, 4501, 4503, and 4521 of, and to add Sections 2725.5, 2786.5, 2878.1, 2895.5, and 4521.2 to, the Business and Professions Code, and to add Article 4 (commencing with Section 128475) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to healing arts.

Bill read second time.

**Senate Bill 398**—An act to add Part 11.5 (commencing with Section 2693.1) to Division 2 of the Labor Code, relating to employment.

Bill read second time.

**Senate Bill 816**—An act to amend Section 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

Bill read second time.

**Senate Bill 821**—An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, and to add Section 66015.9 to the Education Code, relating to business ethics.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, April 23, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 465

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 22, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 418

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 854

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 854**—An act to amend Section 19131 of the Government Code, relating to public employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 1063

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1063**—An act to amend Sections 1614, 3692, 3698.5, 3698.7, 4112, 4675, and 5104 of, to add Sections 2910.2, 3794.3, and 4672.3 to, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 222

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 222**—An act to amend Section 208.5 of the Welfare and Institutions Code, relating to juvenile offenders.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, April 23, 2003

Madam President: The Committee on Health and Human Services, to which were referred:

SB 130            SB 231            SB 635            SB 739

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, April 23, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 774

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

ORTIZ, Chair

Above measure re-referred to the Committee on Rules.

**Committee on Environmental Quality**

Date of Hearing, April 21, 2003

Madam President: The Committee on Environmental Quality, to which was referred:

SB 201

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Health and Human Services.

SHER, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 22, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 557

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

KUEHL, Chair

Above measure ordered to second reading.

Date of Hearing, April 22, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 277

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 458

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 458**—An act to amend Section 945.5 of the Civil Code, relating to construction defects.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 22, 2003

Madam President: The Committee on Judiciary, to which was referred:

SB 772

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, April 22, 2003

Madam President: The Committee on Judiciary, to which was referred:

SB 602

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 229

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 229**—An act to amend Section 3202 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 28, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

SB 551

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 551**—An act to add Section 758.5 to the Insurance Code, relating to auto insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, April 23, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 709

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 23, 2003

Madam President: The Committee on Local Government, to which were referred:

SB 163

SB 833

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measures ordered to second reading.

#### CONSENT CALENDAR SET

Without objection SR 18, SCR 23 and ACR 77 were withdrawn from committee and placed on the Special Consent Calendar.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Concurrent Resolution 11**—Relative to HIV and AIDS drug treatment.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 534**—An act to amend Section 1171.5 of the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 727**—An act to amend Sections 140.5, 1143, 2656, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3301, 3302, and 3303 of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 321**—An act to add Division 3 (commencing with Section 64500) to Title 6.7 of the Government Code, relating to infrastructure investment.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Transportation.

**Senate Constitutional Amendment 7**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIX thereof, and by amending Section 1 of Article XIX A thereof, relating to transportation.

Resolution read second time.

The amendments proposed by the Committee on Constitutional Amendments were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 197**—An act to add Section 559 to the Labor Code, relating to hours and wages.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 780**—An act to amend Sections 210 and 40518 of, to add Sections 12810.3, 40518.5, and 40520.5 to, and to repeal and add Section 21455.5 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Transportation.

**Senate Bill 629**—An act to amend Section 31720.7 of, and to add Section 53222.1 to, the Government Code, and to amend Section 3212.8 of the Labor Code, relating to health care professionals.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 168**—An act to amend Section 445 of the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 769**—An act to repeal Sections 12012.25, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Concurrent Resolution 33**—Relative to the Day of the Horse.

Resolution read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 43**—Relative to the Girl Scouts.

Resolution read second time and ordered to Consent Calendar.

#### THIRD READING OF SENATE BILLS

**Senate Bill 110**—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

Bill read third time and presented by Senator Margett.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 455**—An act to amend Sections 1695.7 and 1695.8 of the Civil Code, relating to home equity sales contracts.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 90**—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 345**—An act to amend Sections 1954.52 and 1954.53 of the Civil Code, to amend Sections 1161.2 and 1166 of, and to add Section 1178.5 to, the Code of Civil Procedure, and to amend Section 34332 of the Health and Safety Code, relating to tenancy.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding**

**Senate Bill 333**—An act to amend Section 11580.2 of the Insurance Code, relating to automobile insurance.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 692**—An act to amend Section 853 of the Fish and Game Code, relating to the Department of Fish and Game.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Johnson, Knight, Margett, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 804**—An act to amend Section 704.730 of the Code of Civil Procedure, relating to homesteads.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette,

Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Johnson, Knight, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 1128**—An act relating to horse racing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 339**—An act to add Chapter 9 (commencing with Section 5610) to Part 5 of Division 9 of the Family Code, relating to child support.

Bill read third time and presented by Senator Alpert.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Chesbro Presiding****UNFINISHED BUSINESS****Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Steve Clute, Member, Electricity Oversight Board.

William Kissinger, Member, Electricity Oversight Board.

Nancy E. McFadden, Member, Electricity Oversight Board.

Janet M. Green, Member, Board of Governors, State Bar of California.

John G. Snetsinger, Ph.D., Member, Board of Governors, State Bar of California.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

**CONSENT CALENDAR****Objection Raised**

**SB 793** was removed from the Special Consent Calendar and placed on the third reading file.

**Senate Concurrent Resolution 10**—Relative to tribal gaming.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Bill 61**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 13**—Relative to Women's History Month.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 491**—An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 730**—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 612**—An act to add Section 21115.5 to the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 572**—An act to amend Section 2830 of the Fish and Game Code, relating to natural community conservation planning.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Resolution 18**—Relative to Suicide Prevention Week.

Resolution read and adopted.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 23**—Relative to School Library Media Month.

Resolution read, adopted and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 77**—Relative to National Library Week.

Resolution read, adopted and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (38)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

**NOES (0)**—None.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 49	AB 421	AB 804	AB 1743
AB 169	AB 522	AB 887	
AB 414	AB 654	AB 1104	

Assembly Chamber, April 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 60                      ACR 91                      AJR 8

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 49**—An act to amend Section 13848.6 of the Penal Code, relating to crime.

**Assembly Bill 169**—An act to add Section 22062 to the Financial Code, relating to finance lending.

**Assembly Bill 414**—An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

**Assembly Bill 421**—An act to add Section 109297 to the Health and Safety Code, relating to cancer, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 522**—An act to add Section 1227 to the Government Code, relating to Matriculas Consular.

**Assembly Bill 654**—An act to add Section 87482.8 to the Education Code, relating to community colleges.

**Assembly Bill 804**—An act to amend Section 23086 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 887**—An act to amend Section 74785 of the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1104**—An act to amend Sections 722, 723, 727, 1483, 1484, 1485, and 1487 of the Streets and Highway Code, relating to highways.

**Assembly Bill 1743**—An act to amend Section 17539.3 of the Business and Professions Code, to amend Section 32311 of the Education Code, to amend Section 7162 of the Government Code, to amend Section 38040 of the Health and Safety Code, to amend Sections 17020.5, 17020.11, 17054, 17072, 17140.5, 17509, 17510, 17856, 18006, 18036.5,

18037, 18038, 18039, 18155.5, 18171, 18171.5, 18177, 19023, 19182, 23036, 23043.5, 23772, 23809, 24872.4, and 24991 of, and to repeal Sections 17088.5, 17088.6, 18037.3, 18037.5, 18043, 18044, 19022, 19024, 19062, 24871.5, and 24872.5 of, the Revenue and Taxation Code, and to amend Section 5060 of the Vehicle Code, relating to taxation.

**Assembly Concurrent Resolution 60**—Relative to Charter School Week.

**Assembly Concurrent Resolution 91**—Relative to California Earthquake Preparedness Month.

**Assembly Joint Resolution 8**—Relative to deductibility of long-term care insurance premiums for purposes of federal income tax.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 407** was withdrawn from committee and placed on file.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 808** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules;

**SB 354** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Appropriations;

**SB 395** was withdrawn from the Committee on Banking, Commerce and International Trade and re-referred to the Committee on Rules;

**SB 629** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

**SB 398** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Bowen.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 3 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, April 29, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, April 28, 2003

The Committee on Rules has referred the following measure to committee:

**Public Employment and Retirement**—AB 1207.

The Committee on Rules has re-referred the following measures to committees:

**Appropriations**—SB 451.

**Education and Labor and Industrial Relations**—SB 193.

**Governmental Organization**—SB 808.

**Health and Human Services**—SB 398, SB 875.

**Insurance**—SB 396, SB 841.

**Judiciary**—SB 508.

**Judiciary and Public Safety**—SB 355.

**Labor and Industrial Relations**—SB 962.

**Labor and Industrial Relations and Public Safety**—SB 731.

**Natural Resources and Wildlife**—SB 925.

**Revenue and Taxation**—SB 1067.

**Committee on Governmental Organization**

Senate Chamber, April 28, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 111

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 111**—An act to amend Sections 4866 and 6086.12 of, and to repeal Section 2106 of, the Business and Professions Code, to amend Section 89343 of, and to repeal Sections 45357, 51882, 62006, 62007, and 62008 of, the Education Code, to repeal Section 20025 of the Family Code, to amend Sections 853 and 7147 of, and to repeal Section 715 of, the Fish and Game Code, to amend Section 58509 of, and to repeal Sections 13124 and 13125 of, the Food and Agricultural Code, to repeal Section 16272.3 of the Government Code, to amend Sections 11798.1, 11831.5, 11998.2, and 16109 of, to repeal Sections 1529.3, 11756.5, 11757.62, 11782, and 11963.5 of, and to repeal Chapter 3.5 (commencing with Section 11758.50)

of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 7514, 13508, and 14210 of, and to repeal Sections 7009, 11110, and 13871 of, the Penal Code, to repeal Section 8303, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405 and 19264 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to amend Sections 14112 and 40001 of, and to repeal Sections 2575, 4750.2, 32005, and 34508.5 of, the Vehicle Code, to repeal Section 1061 of the Water Code, and to amend Section 14026.5 of, and to repeal Section 4681.2 of, the Welfare and Institutions Code, relating to state reports.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Appropriations**

Senate Chamber, April 28, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 756

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 756**—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government finance.

Bill read second time.

#### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 756 pursuant to Joint Rule 58.

SENATOR DENHAM

#### **Permission of Rules Committee**

Senate Chamber, April 28, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 756.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, April 25, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 59	SB 196	SB 403	SB 645
SB 64	SB 200	SB 416	SB 679
SB 67	SB 237	SB 446	SB 690
SB 73	SB 275	SB 469	SB 699
SB 79	SB 276	SB 509	SB 909
SB 129	SB 305	SB 552	SB 930
SB 131	SB 316	SB 582	SB 978
SB 144	SB 353	SB 604	SB 1024
SB 145	SB 370	SB 618	AB 67
SB 158	SB 377	SB 624	
SB 179	SB 378	SB 637	
SB 182	SB 385	SB 641	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

#### **Committee on Insurance**

Senate Chamber, April 28, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 798

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 798**—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, April 28, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 663

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 663**—An act to add Section 408.4 to the Revenue and Taxation Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 24, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 328                      SB 399                      SB 999

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 92	SB 162	SB 255	SB 649
SB 97	SB 180	SB 297	
SB 114	SB 244	SB 413	

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 54                                      SB 419

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Agriculture and Water Resources**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 633

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MACHADO, Chair

Above measure ordered to second reading.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Bowen:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 888 may be reported by the Committee on Energy, Utilities and Communications after the deadline.

SENATOR BOWEN

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**JOINT RULES DISPENSED WITH**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(2) was dispensed with as requested.

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Labor and Industrial Relations to hear SB 191 on April 30 and the Select Committee on Air Quality in the Central Valley to meet in Shafter on May 1.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 28:** By Senator Battin—Relative to California Indian Heritage Month.

**Senate Joint Resolution 17:** By Senator Morrow—Relative to veterans.

**Senate Resolution 19:** By Senator Ortiz—Relative to skin cancer awareness.

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations**

**SB 54**—Do pass as amended

AYES (10)—Senators Aanestad, Alpert, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 92**—Do pass

AYES (7)—Senators Aanestad, Battin, Burton, Machado, Murray, Poochigian, and Speier.

NOES (2)—Senators Ashburn and Johnson.

**SB 97**—Do pass

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 103—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Ashburn, Battin, and Johnson.

**SB 114—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 162—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 180—Do pass**

AYES (11)—Senators Aanestad, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 242—Do pass as amended**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 244—Do pass**

AYES (8)—Senators Alpert, Battin, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Ashburn.

**SB 255—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 279—Do pass**

AYES (0)—None.

NOES (1)—Senator Alpert.

Failed passage

**SB 279—Reconsideration granted**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 297—Do pass**

AYES (8)—Senators Aanestad, Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 413—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 419—Do pass as amended**

AYES (7)—Senators Alpert, Battin, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Johnson.

**SB 649—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Battin, Johnson, and Poochigian.

Date of Hearing: 4/28/03

Alpert (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Brulte requested that when the Senate adjourns this day it do so in memory of E. Louise Cosby of Rancho Cucamonga.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Patricia E. Evans, M.D., of San Francisco.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Hector Cepeda, Sr., of Harbor City.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Langdon W. "Don" Owen of Newport Beach.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Helen Guthrie Smith of Long Beach.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Phil Tweedy of Arcadia.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Trevin Dilfer of Fresno.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Ralph Hickman of Pomona.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 29, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-THIRD LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, April 29, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and  
Vasconcellos—39.

Quorum present.

*(NOTE: Senator Vincent will be excused this day due to illness.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 28, 2003

Mr. President: I am directed to inform your honorable body that the  
Assembly on this day adopted:

ACR 62            ACR 70            ACR 82            ACR 87

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the  
Committee on Rules:

**Assembly Concurrent Resolution 62**—Relative to school health.

**Assembly Concurrent Resolution 70**—Relative to Children’s Fitness and Nutrition Week 2003.

**Assembly Concurrent Resolution 82**—Relative to Osteoporosis Awareness Month.

**Assembly Concurrent Resolution 87**—Relative to California Tire Safety Week.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Labor and Industrial Relations

Date of Hearing, April 23, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 868

Reports the same back with the recommendation: Do pass as amended.

ALARCÓN, Chair

Above measure ordered to second reading.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 478

SB 996

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measures ordered to second reading.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 176

SB 223

SB 757

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ALARCÓN, Chair

Above measures ordered to second reading.

##### Committee on Appropriations

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 102

SB 217

SB 810

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 102**—An act to amend Sections 22121, 22134.5, 22720, 24203.5, and 24203.6 of the Education Code, relating to state teachers' retirement.

Bill read second time.

**Senate Bill 217**—An act to add Sections 4566 and 4582.1 to the Public Resources Code, relating to forest resources.

Bill read second time.

**Senate Bill 810**—An act to amend Sections 4514.3, 4582.7, and 4582.75 of, and to add Section 4582.71 to, the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 620

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 620**—An act to amend Sections 787, 10127.10, 10127.13, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, 1749.8, 10127.17, and 10127.18 to, the Insurance Code, relating to insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 911

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 100	SB 271	SB 272	SB 437
SB 440	SB 441	SB 579	AB 1207

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 966

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 438	SB 439	SB 574	SB 713
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Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above bills ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 23

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 215

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 215**—An act to amend Sections 2102 and 2104 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 646

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 563

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules with the recommendation: To Consent Calendar.

SHER, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 189

SB 288

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SHER, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1021

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1021**—An act to amend Sections 6240 and 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to wills and trusts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 855

SB 857

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 761

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 884

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 884**—An act to amend Sections 209, 653f, and 667.61 of the Penal Code, relating to crimes.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 760

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 595

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 9

SB 974

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 738

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measure ordered to second reading.

**Committee on Elections and Reapportionment**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 240

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 240**—An act to amend Section 3112 of the Elections Code, relating to voting.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 331

SB 852

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 331**—An act relating to toxic injuries.

Bill read second time.

**Senate Bill 852**—An act to amend Section 5001.65 of the Public Resources Code, relating to state parks.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 443

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

McPHERSON, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 496

SB 851

Reports the same back with the recommendation: Do pass.

McPHERSON, Chair

Above bills ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 219            SB 226            SB 300            SB 406  
SB 549            SB 919            SB 968

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Governmental Organization**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 351

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 605            SB 856            SB 926

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 429

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Veterans Affairs**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Veterans Affairs, to which was referred:

SB 838

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MORROW, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 103

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bill ordered to second reading.

**Committee on Local Government**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 745

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 745**—An act to amend Section 66418.2 of the Government Code, relating to land use.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 228

AB 1207

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 228**—An act to amend Section 62.5 of, to add Section 3823 to, to repeal Sections 5307.2 and 5307.21 of, and to repeal and add Section 5307.1 of, the Labor Code, relating to workers' compensation.

Bill read second time.

**Assembly Bill 1207**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929,

and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1207 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CORBETT

**Permission of Rules Committee**

Senate Chamber, April 29, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1207.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 29, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 839

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 839**—An act to amend Section 10365.5 of the Public Contract Code, relating to conflict of interest.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 821** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules; and

**SB 443** and **SB 774** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 19**—An act to amend Sections 42239 and 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 465**—An act to amend Sections 65460.1, 65460.2, and 65460.4 of the Government Code, and to amend Section 33031 of, and to add Chapter 4.7 (commencing with Section 33499) to Part 1 of Division 24 of, the Health and Safety Code, relating to transit village plans.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 418**—An act to repeal and add Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 739**—An act to add Section 10553.3 to the Welfare and Institutions Code, relating to tribal health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 130**—An act to add Division 1.5 (commencing with Section 1180) to the Health and Safety Code, relating to mental health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 231**—An act to add Section 124982 to the Health and Safety Code, relating to hereditary disorders.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 635**—An act to amend Sections 1797.98c, 1797.98e, and 1799.55 of the Health and Safety Code, relating to emergency services.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 201**—An act to add Chapter 6.68 (commencing with Section 25271) and Chapter 6.69 (commencing with Section 25279) to Division 20 of, and to repeal and add Chapter 5 (commencing with Section

114705) and Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of, the Health and Safety Code, relating to radioactive materials.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Health and Human Services.

**Senate Bill 557**—An act to add Article 10 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

**Senate Bill 277**—An act relating to water, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 772**—An act to amend Section 25322 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 602**—An act to amend Sections 1785.11, 1785.11.1, and 1785.11.2 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend Sections 530.5, 530.6, 530.8, and 1191.10 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Senate Bill 709**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to

add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 163**—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 833**—An act to add Section 6533 to the Government Code and to amend Section 1011.5 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 407**—An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 59**—An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 64**—An act to amend Sections 790.03 and 791.12 of, and to add Section 1861.17 to, the Insurance Code, relating to homeowners' insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 67**—An act to amend Section 399.14 of the Public Utilities Code, relating to energy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 73**—An act to amend Section 431 of, and to add Section 412.5 to, the Military and Veterans Code, relating to the state militia.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 79**—An act to amend Sections 73c, 73d, 90, 116.250, 116.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend Sections 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal

Sections 68112, 68112.5, 68114, 68114.5, 68114.6, 68114.9, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69748, 69748.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, Division 8 of, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825, 830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816, 13105, 13352, 13352.3, 13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend Section 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 129**—An act to amend Section 77202 of the Government Code, relating to trial courts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 131**—An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 144**—An act to add Section 68511.6 to the Government Code, relating to courts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 145**—An act to amend Sections 56505, 56505.1, and 56506 of the Education Code, relating to special education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 158**—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 179**—An act to add Section 2810 to the Labor Code, relating to contracts for labor or services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 182**—An act to amend Sections 7630, 7669, and 8814.5 of the Family Code, and to add Section 1516.5 to the Probate Code, relating to adoption.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 196**—An act to amend Section 13201 of the Water Code, relating to California regional water quality control boards.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 200**—An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 237**—An act to amend Sections 4453.5 and 5753 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 275**—An act to amend Section 33190 of the Education Code, relating to private schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 276**—An act to amend Sections 11100, 11100.1, 11104, 11106, 11107, and 11107.1 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 305**—An act to amend Sections 18021.7, 50530.5, and 50545 of the Health and Safety Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 316**—An act to amend Section 11165.7 of the Penal Code, relating to mandated reporters.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 353**—An act to amend Section 51335 of, and to add Section 51065.5 to, the Health and Safety Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 370**—An act to add Section 14133.45 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 377**—An act to add Section 124586 to the Health and Safety Code, relating to Indian health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 378**—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 385**—An act to amend Section 987.88 of the Military and Veterans Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 403**—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 416**—An act to amend Section 13352.5 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 446**—An act to amend Section 65040.5 of the Government Code, relating to general plans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 469**—An act to amend Section 60242 of the Education Code, relating to instructional materials.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 509**—An act to amend Section 14528.5 of the Government Code, relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 552**—An act to amend Section 14666.6 of the Government Code, relating to state property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 582**—An act to add Article 4.5 (commencing with Section 110423.100) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 604**—An act to amend Sections 81008, 84101, 84103, 84108, 84203, 84204, and 84502 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 618**—An act to add Section 1668.1 to the Insurance Code, relating to unfair acts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 624**—An act to amend Section 19826 of, and to repeal Sections 19827.2, 19994.20, and 19996.40 of, the Government Code, relating to state personnel administration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 637**—An act to amend Section 38025 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 641**—An act to amend Section 82041.5 of, and to add Section 84305.7 to, the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 645**—An act to amend Section 42297 of the Public Resources Code, relating to solid waste.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 679**—An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 690**—An act to amend Section 19605.52 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 699**—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 909**—An act to amend Section 10753.7 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 930**—An act to amend Section 12012.85 of the Government Code, relating to gaming.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 978**—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1024**—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 7227, 7422, 7672, 7772, 10411, 11020, 13113, and 14242 of the Elections Code, to amend Section 26802 of the Government Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 328**—An act to amend Sections 70303, 70366, 70367, 70373, 70373.5, 70374, 70392, and 76000 of the Government Code, relating to court facilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 399**—An act to amend Sections 6401 and 6402 of the Family Code, relating to foreign protection orders.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 999**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 92**—An act to add and repeal Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 97**—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 114**—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 162**—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 180**—An act to amend Section 18803 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 244**—An act to add Section 1255.4 to the Health and Safety Code, relating to health facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 255**—An act to add Section 12077.5 to the Penal Code, relating to firearms.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 297**—An act to add Section 6217.2 to the Public Resources Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 413**—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 649**—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of the Public Resources Code, relating to mining.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 54**—An act to amend Section 18610.5 of, and to add Section 18407 to, the Health and Safety Code, relating to mobilehomes.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 419**—An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 633**—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 67**—An act to amend Sections 20161, 20467, 20530.1, 20533, 20752, 20814, 20822, 20826, 20903, 21051, 21261, 21407, 21465, 21499, 21535, 21621, 50953, 75093, 75094, 75580, and 75590 of, to amend and renumber Section 75030.9 of, to amend the heading of Part 3.4

(commencing with Section 21750) of Division 5 of Title 2 of, to add Section 9359.02 to, and to repeal Sections 20162, 20791, 20794, 20795, 20796, 20800, 20801, 20802, 20804, 20807, 20908, 21000, 21262, and 21401 of, the Government Code, relating to public employees' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

### SENATE COMMITTEE ROLL CALLS

#### Committee on Public Safety

**SB 44**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 190**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Romero, and Sher.

NOES (1)—Senator McPherson.

Failed passage

**SB 190**—Reconsideration granted

AYES (4)—Senators Burton, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 219**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

**SB 226**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 250**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

**SB 250**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 300**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator McPherson.

**SB 356**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 406**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 408**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 422**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 443**—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 463**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators McPherson and Vasconcellos.

NOES (0)—None.

Failed passage

**SB 463**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 496**—Do pass

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 549**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 761**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 762**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 781**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 851**—Do pass

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 919**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 968**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 970**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 4/29/03

McPherson (Chair)

#### **Committee on Environmental Quality**

**SB 189**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 288**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 511**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 563**—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 646**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 700**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 704**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Denham, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

**SB 705**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 707**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

**SB 807**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Denham and McPherson.

NOES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

Failed passage

**SB 820**—Do pass as amended and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 922**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 923**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 942**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 1002**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 1004**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

Date of Hearing: 4/28/03

Sher (Chair)

#### **Committee on Governmental Organization**

**SB 9**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Battin, Brulte, Dunn, Johnson, Margett, Morrow, and Murray.

NOES (2)—Senators Chesbro and Soto.

**SB 74**—Do pass

AYES (6)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, and Soto.

NOES (5)—Senators Battin, Brulte, Johnson, Margett, and Morrow.

Failed passage

**SB 351**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Morrow, Murray, and Soto.

NOES (0)—None.

**SB 405**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and Murray.

NOES (5)—Senators Battin, Brulte, Chesbro, Dunn, and Johnson.

Failed passage

**SB 527**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Machado, Murray, and Soto.

NOES (4)—Senators Brulte, Johnson, Margett, and Morrow.

**SB 605**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

**SB 738**—Do pass, to Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

**SB 791**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Cedillo, Murray, and Soto.

NOES (5)—Senators Battin, Brulte, Johnson, Margett, and Morrow.

Failed passage

**SB 856**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

**SB 926**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

**SB 974**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Machado, Murray, and Soto.

NOES (5)—Senators Battin, Brulte, Johnson, Margett, and Morrow.

Date of Hearing: 4/29/03

Vincent (Chair)

**Committee on Public Employment and Retirement****SB 100**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 271**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**SB 272**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 437**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 438**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 439**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 440**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 441**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 574**—Do pass

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**SB 579**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**SB 713**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1207**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Ashburn.

Date of Hearing: 4/28/03

Soto (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Denham requested that when the Senate adjourns this day it do so in memory of Jennifer Escobedo of Ceres and James Pope of Turlock.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator’s request until 9 a.m., Wednesday, April 30, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-FOURTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, April 30, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and  
Vasconcellos—39.

Quorum present.

*(NOTE: Senator Vincent will be excused this day due to illness.)*

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, April 30, 2003

Mr. President: The Committee on Rules has examined:

SB 61

And reports that the same has been correctly enrolled, and presented to the  
Governor on the 30th day of April, 2003, at 9:30 a.m.

BURTON, Chair

**Committee on Appropriations**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 334                      SB 673                      SB 871

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 334**—An act to amend Sections 605, 705, and 706 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water.

Bill read second time.

**Senate Bill 673**—An act to add Article 11 (commencing with Section 12640.21) to Chapter 2A of Part 6 of Division 2 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read second time.

**Senate Bill 871**—An act to amend Section 39152 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 703

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 703**—An act to amend Section 744 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 475

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 27                      SB 113                      SB 285                      SB 734

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 27**—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill read second time.

**Senate Bill 113**—An act to amend Section 1281.5 of the Code of Civil Procedure, relating to mechanic's liens.

Bill read second time.

**Senate Bill 285**—An act to amend Section 18533 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 734**—An act to amend Sections 3027.5 and 3040 of, to add Section 3100.5 to, and to repeal Section 3027.1 of, the Family Code, relating to child custody.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 58                                      SB 638                                      SB 1032

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 58**—An act to add Section 964 to the Penal Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 638**—An act to amend Section 1151 of the Penal Code, relating to criminal procedure.

Bill read second time.

**Senate Bill 1032**—An act to add Section 653z to the Penal Code, relating to crime.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 146                      SB 458                      SB 494

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bills ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 256                      SB 984                      SB 1025

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 796

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 357

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 357**—An act to amend Section 12071 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 30

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

FIGUEROA, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 1078

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

FIGUEROA, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 393	SB 490	SB 736
SB 1077	SB 1079	SB 1080

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which were referred:

SB 232	SB 247	SB 315
SB 795	SB 799	SB 802

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 314	SB 504
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 314**—An act to amend Section 20351 of the Public Contract Code, to amend Section 99315.8 of, and to add Chapter 6 (commencing with Section 125700) to Division 11.5 of, the Public Utilities Code, to amend Section 10753.7 of the Revenue and Taxation Code, to amend Section 188.8 of the Streets and Highways Code, and to amend Sections 4466, 16000, 16370.5, 16431, 24609, and 27400 of the Vehicle Code, relating to transportation.

Bill read second time.

**Senate Bill 504**—An act to add Chapter 7 (commencing with Section 132600) to Division 12.7 of the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

SB 610	SB 613	SB 724
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Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

PERATA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 530

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

PERATA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 348

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

PERATA, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 932

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 932**—An act to add Section 5917.5 to the Corporations Code, relating to corporations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 1073

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 942

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 229

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALARCÓN, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 817

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 820

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 93

SB 906

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 93**—An act to amend Sections 17551, 17558.5, 17561, 17561.6, 17562, 17564, 17568, and 17600 of, and to repeal Section 17555 of, the Government Code, relating to state mandates, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 906**—An act to amend Sections 60290 and 60622 of, and to add Section 71611.5 to, the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 199

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 199**—An act to add Section 664 to the Civil Code, relating to genetic information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, April 30, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 567

SB 599

SB 601

SB 602

SB 631

SB 824

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 567**—An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

Bill read second time.

**Senate Bill 599**—An act to add Section 851.90 to, and to add Chapter 2.6 (commencing with Section 1000.9) to Title 6 of Part 2 of, the Penal Code, relating to drug diversion.

Bill read second time.

**Senate Bill 601**—An act to amend Section 12020 of the Penal Code, relating to .50 caliber handguns.

Bill read second time.

**Senate Bill 602**—An act to amend Sections 1785.11.1, 1785.11.2, and 1785.14 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend Sections 530.5, 530.6, 530.8, and 1191.10 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill read second time.

**Senate Bill 631**—An act to amend Section 1214 of the Penal Code, relating to restitution.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 631 pursuant to Joint Rule 58.

SENATOR MCPHERSON

**Permission of Rules Committee**

Senate Chamber, April 30, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 631.

BURTON, Chair

**Senate Bill 824**—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 1002

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 1004

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 322

SB 778

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 29:** By Senator Battin—Relative to Bob Hope’s 100th birthday.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 868**—An act to amend Section 1776 of the Labor Code, relating to public works.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 478**—An act to add Section 230.2 to the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 996**—An act to add Section 1185.6 to the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 176**—An act to add Section 11752.9 to the Insurance Code, relating to workers' compensation insurance.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 223**—An act to amend Section 4600.1 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 757**—An act to add Sections 3208.25, 4600.8, 5307.26, and 5307.27 to the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 911**—An act to add Sections 53115.4 and 5311.5 to, and to repeal Sections 53100.5 and 53115.2 of, the Government Code, relating to emergency services.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 966**—An act to add Section 1781 to the Labor Code, relating to prevailing wages.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 438**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 439**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 574**—An act to amend Section 22790 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 713**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 23**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14560, 14561, 14573.51, 14575, 14575.1, 14581, and 14585 of, and to add Sections 14513.5 and 14575.5 to, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 855**—An act to add Sections 1516, 1516.1, 1516.2, and 1516.3 to the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 857**—An act to add Sections 14087.302 and 14107.12 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 857 pursuant to Joint Rule 58.

SENATOR SPEIER

**Permission of Rules Committee**

Senate Chamber, April 30, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 857.

BURTON, Chair

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 761**—An act to amend Sections 1802.1 and 1808 of the Insurance Code, and to amend Sections 1278, 1287, and 1308 of the Penal Code, relating to bail services.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 760**—An act to amend Section 6368.8 of, and to add Section 6368.9 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 595**—An act to amend Section 1033 of, and to add Section 1326.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 738**—An act to amend Section 19406 of the Business and Professions Code, relating to horse racing.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 496**—An act to add Chapter 8.6 (commencing with Section 13879.80) to Title 6 of Part 4 of the Penal Code, relating to drug endangered children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 851**—An act to amend Section 917 of the Evidence Code, to amend Sections 629.62, 633, 803, 830.31, 847, 1170.011, 1202.1, 1203.1abc, 1203.3, 11171, 12022.5, 14309 of the Penal Code, to amend Section 14601 of the Vehicle Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 351**—An act to add Section 8589.75 to the Government Code, relating to emergency services.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 429**—An act to add Section 854.5 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 838**—An act to add Section 1104.3 to the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Veterans Affairs were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 103**—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

#### SENATE COMMITTEE ROLL CALLS

##### Committee on Business and Professions

**SB 30**—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 186**—Do pass as amended and re-refer to Committee on Judiciary

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 292**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

**SB 393**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 490**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (2)—Senators Aanestad and Brulte.

**SB 736**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 907**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (2)—Senators Aanestad and Brulte.

**SB 969**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 1077**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 1078**—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 1079**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 1080**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

Date of Hearing: 4/28/03

Figueroa (Chair)

#### **Committee on Elections and Reapportionment**

**SB 348**—Do pass, to Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**SB 430**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**SB 467**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Johnson and Poochigian.

NOES (1)—Senator Perata.

Failed passage

**SB 467**—Reconsideration granted

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**SB 530**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.  
NOES (0)—None.

**SB 610**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Johnson, Murray, and Perata.  
NOES (0)—None.

**SB 613**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.  
NOES (0)—None.

**SB 724**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.  
NOES (0)—None.

Date of Hearing: 4/30/03

Perata (Chair)

#### **Committee on Labor and Industrial Relations**

**SB 191**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.  
NOES (3)—Senators Margett, McClintock, and Oller.

**SB 229**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.  
NOES (2)—Senators McClintock and Oller.

**SB 414**—Do pass

AYES (3)—Senators Margett, McClintock, and Oller.  
NOES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.  
Failed passage

**SB 414**—Reconsideration granted

AYES (8)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.  
NOES (0)—None.

**SB 817**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.  
NOES (3)—Senators Margett, McClintock, and Oller.

Date of Hearing: 4/30/03

Alarcón (Chair)

#### **Committee on Natural Resources and Wildlife**

**SB 411**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, and Torlakson.  
NOES (1)—Senator Oller.

**SB 619**—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Alpert, Denham, Hollingsworth, Oller, and Torlakson.

NOES (2)—Senators Kuehl and Sher.

**SB 1073**—Do pass, to Consent Calendar

AYES (7)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, and Sher.

NOES (0)—None.

Date of Hearing: 4/30/03

Kuehl (Chair)

#### Committee on Judiciary

**SB 139**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 146**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 173**—Do pass as amended and re-refer to Committee on Appropriations

AYES (1)—Senator Escutia.

NOES (1)—Senator Ackerman.

Failed passage

**SB 173**—Reconsideration granted

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 254**—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

**SB 256**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 335**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 458**—Do pass

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 494**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 544**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 546**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Ackerman and Morrow.

NOES (2)—Senators Escutia and Kuehl.

Failed passage

**SB 546**—Reconsideration granted

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 598**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 617**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 640**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 660**—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 796**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 947**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 984**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Cedillo, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 1013—Do pass**

AYES (1)—Senator Ackerman.

NOES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

Failed passage

**SB 1013—Reconsideration granted**

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 1025—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 4/29/03

Escutia (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Angel Orozco of San Francisco.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Norbert Anthony Schlei of Los Angeles and Steven Alvarez of Torrance.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, May 1, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, May 1, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**

**Senator Alpert Presiding**

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—37.  
Quorum present.

*(NOTE: Senators Bowen and Speier will be excused this day on legislative business and Senator Vincent will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

May the One Who is the Father in Heaven of the Christians, Holy One of the Jews, Allah of the Muhammadans, Buddha of the Buddhists, Tao of the Chinese, Ahura Mazda of the Zoroastrians and Brahman of the Hindus lead us from the unreal to the Real, from darkness to light, from disease and death to immortality. May the All-Loving Being manifest Itself unto us, and grant us abiding understanding and all-consuming divine love. Peace, Peace. Peace be unto all.—AMEN.

(Swami Akhilananda, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Denham's daughter Samantha Denham led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Education**

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 78

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 801

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which were referred:

SB 65

SB 677

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VASCONCELLOS, Chair

Above measures ordered to second reading.

Date of Hearing, April 23, 2003

Mr. President: The Committee on Education, to which was referred:

SB 258

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

SB 481

SB 728

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

SB 5

SB 383

SB 550

SB 556

SB 971

SB 979

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

SB 14

SB 525

SB 674

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Rules.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 542

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business and Professions.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Business and Professions.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 651

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bill ordered to second reading.

#### **Committee on Rules**

Senate Chamber, April 30, 2003

Mr. President: The Committee on Rules has examined:

SCR 8

SCR 13

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 30th day of April, 2003, at 4:30 p.m.

BURTON, Chair

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures were withdrawn from committee and set as a Special Consent Calendar: ACR 47, ACR 60, ACR 65, ACR 91; and SCR 26.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 475**—An act to amend Sections 115880 and 115885 of, and to add Article 1.5 (commencing with Section 115860) to Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code, relating to environmental health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 146**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 458**—An act to amend Section 945.5 of the Civil Code, relating to construction defects.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 494**—An act to amend Section 3283 of the Civil Code, relating to arbitration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 348**—An act to amend Section 12302 of the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1073**—An act to repeal Section 69.8 of the Harbors and Navigation Code, relating to natural resources.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 942**—An act to amend Section 25161 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 817**—An act to amend Sections 10200 and 10201 of the Unemployment Insurance Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 820**—An act to add Section 25679.5 to the Public Resources Code, relating to ethanol.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 1002**—An act to amend Sections 25281 and 25297.1 of the Health and Safety Code, relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1004**—An act to add Chapter 8.5 (commencing with Section 13610) to Division 7 of the Water Code, relating to perchlorate.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 322**—An act to add Sections 125118, 125119, 125120, 125121, and 125122 to the Health and Safety Code, relating to medical research.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 778**—An act to add Chapter 2.5 (commencing with Section 104250) to Part 1 of Division 103 of the Health and Safety Code, relating to an election for biomedical research and development, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **THIRD READING OF SENATE BILLS**

**Senate Bill 641**—An act to amend Section 82041.5 of, and to add Section 84305.7 to, the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Brulte.

#### **Urgency Clause**

Urgency clause read.

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Brulte moved a call of the Senate.

Motion carried.

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 645**—An act to amend Section 42297 of the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Sher.

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 699**—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read third time and presented by Senator Sher.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 114**—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

Bill read third time and presented by Senator Torlakson.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Torlakson moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 999**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read third time and presented by Senator Machado.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Machado moved a call of the Senate.

Motion carried.

**SENATE RULE 55 SUSPENDED**

Without objection, Senate Rule 55 was suspended to permit former Senator Pat Johnston to be on the Senate Floor.

**RECESS**

At 9:45 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 10 a.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**REQUESTS TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Machado:

Senate Chamber, April 14, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 117 and SB 994 may be reported by the Committee on Agriculture and Water Resources after the May 2, 2003 deadline.

SENATOR MACHADO

The following request was presented by Senator Bowen:

Senate Chamber, April 25, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 770 may be reported by the Committee on Energy, Utilities and Communications after the May 2, 2003 deadline.

SENATOR BOWEN

The following request was presented by Senator Cedillo:

Senate Chamber, May 1, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 548, SB 557, SB 614, SB 663, 676, SB 726, SB 981, and SB 1009 may be reported by the Committee on Revenue and Taxation after the May 2, 2003 deadline.

SENATOR CEDILLO

The following request was presented by Senator Escutia:

Senate Chamber, April 24, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 30, SB 577, SB 708, SB 890, SB 1008, and SB 1078 may be reported by the Committee on Judiciary after the May 2, 2003 deadline.

SENATOR ESCUTIA

The following request was presented by Senator McPherson:

Senate Chamber, May 1, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 151, SB 284, SB 381, SB 382, SB 420, SB 425, SB 434, SB 599, SB 601, SB 602, SB 652, SB 752, SB 775, SB 839, SB 848, SB 881, SB 884, SB 900, SB 991, SB 993, SB 1022, and SB 1032, and may be reported by the Committee on Public Safety after the May 2, 2003 deadline.

SENATOR MCPHERSON

The following request was presented by Senator Murray:

Senate Chamber, April 29, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 112, SB 314, SB 304, and SB 780 may be reported by the Committee on Transportation after the May 2, 2003 deadline.

SENATOR MURRAY

The following request was presented by Senator Ortiz:

Senate Chamber, April 25, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 2, SB 201, SB 853, and SB 921 may be reported by the Committee on Health and Human Services after the May 2, 2003 deadline.

SENATOR ORTIZ

The following request was presented by Senator Sher:

Senate Chamber, April 28, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 21, 709, and SB 493 may be reported by the Committee on Environmental Quality after the May 2, 2003 deadline.

SENATOR SHER

The following request was presented by Senator Speier:

Senate Chamber, May 1, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 798 may be reported by the Committee on Insurance after the May 2, 2003 deadline.

SENATOR SPEIER

The following request was presented by Senator Alarcón:

Senate Chamber, May 1, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 457, SB 731, and SB 962 may be reported by the Committee on Labor and Industrial Relations after the May 2, 2003 deadline.

SENATOR ALARCÓN

The following request was presented by Senator Soto:

Senate Chamber, May 1, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 294 may be reported by the Committee on Judiciary after the May 2, 2003 deadline.

SENATOR SOTO

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of of hearing SB 173 in the committee on Judiciary.

**MOTION TO SUSPEND SENATE RULE 21.5k2**

Senator Torlakson moved to suspend Senate Rule 21.5k2 to permit consideration of SB 74 in committee, at the same meeting that a motion to reconsider has been granted.

**Roll Call**

The roll was called and the motion carried by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**REQUEST FOR UNANIMOUS CONSENT (ACR 63)**

Senator Soto asked for, and was granted, unanimous consent that ACR 63 be withdrawn from committee an taken up at this time without reference to file.

**Consideration of Assembly Concurrent Resolution 63**

**Assembly Concurrent Resolution 63**—Relative to Cesar Chavez Day.

Resolution read.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 67**—An act to amend Sections 20161, 20467, 20530.1, 20533, 20752, 20814, 20822, 20826, 20903, 21051, 21261, 21407, 21465, 21499, 21535, 21621, 50953, 75093, 75094, 75580, and 75590 of, to amend and renumber Section 75030.9 of, to amend the heading of Part 3.4 (commencing with Section 21750) of Division 5 of Title 2 of, to add Section 9359.02 to, and to repeal Sections 20162, 20791, 20794, 20795, 20796, 20800, 20801, 20802, 20804, 20807, 20908, 21000, 21262, and 21401 of, the Government Code, relating to public employees' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 641)**

On motion of Senator Brulte, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 641 was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 645)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 645 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 699)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 699 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 999)**

On motion of Senator Machado, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 999 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Above bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)  
CONSENT CALENDAR**

**Senate Bill 283**—An act to amend Sections 9102, 9304, 9309, 9321, 9408, and 9521 of the Commercial Code, to amend Section 12194 of the Government Code, and to amend Section 5907 of the Vehicle Code, relating to commercial law.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 33**—Relative to the Day of the Horse.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 43**—Relative to the Girl Scouts.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 47**—Relative to Cure Children's Cancer Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 60**—Relative to Charter School Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 65**—Relative to Cinco de Mayo Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 91**—Relative to California Earthquake Preparedness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 26**—Relative to California Nurses Day and California Nurses Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 114)**

On motion of Senator Torlakson, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 114 was refused passage by the following vote:

AYES (20)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Murray, and Pochigian.

**Motion to Reconsider**

Senator Torlakson moved to reconsider the vote whereby SB 114 was refused passage.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 10:15 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, May 5, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 1

Assembly Chamber, May 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 241	AB 371	AB 837	AB 1408
AB 270	AB 467	AB 890	AB 1677
AB 277	AB 620	AB 1101	AB 1680
AB 296	AB 767	AB 1249	
AB 305	AB 792	AB 1349	

Assembly Chamber, May 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 26	ACR 84	ACR 88
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E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 241**—An act to amend Section 27388 of the Government Code, relating to law enforcement.

**Assembly Bill 270**—An act to amend Section 219 of the Code of Civil Procedure, relating to jury service.

**Assembly Bill 277**—An act to amend Section 17526 of, and to add Section 17529 to, the Business and Professions Code, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of the Elections Code, relating to fraudulent practices.

**Assembly Bill 296**—An act to add Section 17215.3 to the Education Code, relating to school facilities.

**Assembly Bill 305**—An act to amend Section 65915 of the Government Code, relating to housing.

**Assembly Bill 371**—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests.

**Assembly Bill 467**—An act to add Section 99163 to the Public Utilities Code, relating to transportation.

**Assembly Bill 620**—An act to amend Section 10229 of the Business and Professions Code, relating to real estate.

**Assembly Bill 767**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

**Assembly Bill 792**—An act to amend Section 22658 of the Vehicle Code, relating to vehicles.

**Assembly Bill 837**—An act to amend Section 1360 of the Evidence Code, relating to evidence.

**Assembly Bill 890**—An act to amend Section 66.5 of the Military and Veterans Code, relating to veterans.

**Assembly Bill 1101**—An act to amend Section 6068 of the Business and Professions Code, and to amend Section 956.5 of the Evidence Code, relating to attorneys.

**Assembly Bill 1249**—An act to amend Section 1560 of the Evidence Code and Section 1326 of the Penal Code, relating to subpoenas.

**Assembly Bill 1349**—An act to amend Section 21350 of the Probate Code, relating to wills and trusts.

**Assembly Bill 1408**—An act to amend Section 21201 of, to repeal and add Section 21202 of, and to repeal Section 21208 of, the Vehicle Code, relating to vehicles.

**Assembly Bill 1677**—An act to amend Section 3008 of the Elections Code, relating to absent voter ballots.

**Assembly Bill 1680**—An act to amend Sections 6768 and 6786 of the Elections Code, relating to presidential primaries.

**Assembly Concurrent Resolution 26**—Relative to National Volunteer Week.

**Assembly Concurrent Resolution 84**—Relative to Mathematics Education Month.

**Assembly Concurrent Resolution 88**—Relative to Library Media Month.

#### REPORTS OF STANDING COMMITTEES Committee on Rules

State Capitol, May 1, 2003

The Committee on Rules has referred the following measures to committee:

**Education**—ACR 10, ACR 16.

**Elections and Reapportionment**—AJR 7.

**Health and Human Services**—ACR 34, AJR 12, AJR 13.

**Judiciary**—ACR 89.

**Transportation**—ACR 2, ACR 7, ACR 17, ACR 19, ACR 30, ACR 39, ACR 40.

The Committee on Rules has re-referred the following measures to committee:

**Agriculture and Water Resources**—SB 563.

**Agriculture and Water Resources** and **Rules**—SB 750.

**Education**—SB 821.

**Environmental Quality**—SB 709.

**Governmental Organization**—SB 814.

**Health and Human Services**—SB 785.

**Judiciary**—SB 30, SB 331, SB 749, SB 940, SB 1034.

**Natural Resources and Wildlife**—SB 18, SB 512, SB 852.

**Public Safety**—SB 357, SB 395.

**Committee on Health and Human Services**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 686

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 428

SB 540

SB 858

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 9, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 779

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1059

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1059**—An act to amend Section 6105 of the Commercial Code, to amend Section 15606 of the Government Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Section 256.6 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 537

SB 945

SB 983

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 537**—An act to amend Sections 4741, 4741.1, 4741.2, 4741.3, 4741.4, 4741.5, 4741.6, 4741.7, 4742, and 4742.1 of, and to add Section 4742.2 to, the Health and Safety Code, relating to solid waste.

Bill read second time.

**Senate Bill 945**—An act to amend Section 21087 of the Public Resources Code, relating to environmental quality.

Bill read second time.

**Senate Bill 983**—An act to amend Sections 44009 and 44306 of, and to add Sections 43022.5, 43501.5, 44008.5, and 44306.5 to, the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

### Committee on Public Safety

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 684                      SB 881                      SB 1022

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 684**—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

Bill read second time.

**Senate Bill 881**—An act to amend Section 3000 of the Penal Code, relating to corrections.

Bill read second time.

**Senate Bill 1022**—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

### Committee on Judiciary

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 515                      SB 940                      SB 1034

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### Second Reading of Bills—Author's Amendments

**Senate Bill 515**—An act to amend Section 425.16 of the Code of Civil Procedure, relating to civil actions.

Bill read second time.

**Senate Bill 940**—An act to amend Section 1281.85 of the Code of Civil Procedure, relating to arbitration.

Bill read second time.

**Senate Bill 1034**—An act relating to employment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 4                      SB 402                      SB 548                      SB 726

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 4**—An act to amend Sections 17041 and 17062 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**Senate Bill 402**—An act to add Chapter 3.61 (commencing with Section 7290.1) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 548**—An act to amend Section 15626 of the Government Code, relating to conflicts of interest.

Bill read second time.

**Senate Bill 726**—An act to amend Section 32010 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 615    SB 1063

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

CEDILLO, Chair

Above measures ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 1064

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

CEDILLO, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 1060

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

CEDILLO, Chair

Above measure ordered to second reading.

#### **Committee on Business and Professions**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 376

SB 995

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 376**—An act to amend Section 2401 of the Business and Professions Code, relating to healing arts.

Bill read second time.

**Senate Bill 995**—An act to add Article 2.5 (commencing with Section 2045) to Chapter 5 of Division 2 of the Business and Professions Code, relating to pain management.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 432

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 2

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Health and Human Services.

SPEIER, Chair

Above measure re-referred to the Committee on Health and Human Services.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Insurance, to which were referred:  
SB 142 SB 261

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Insurance, to which were referred:  
SB 853 SB 921

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

SPEIER, Chair

Above measures re-referred to the Committee on Rules.

**Committee on Transportation**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 541

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 541**—An act to amend Sections 7360 and 7361 of, and to add Section 8651.1 to, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 814

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 814**—An act to amend Section 19801 of the Business and Professions Code, relating to gambling.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 254

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ESCIUTIA, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 456

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 456**—An act to add Part 9.5 (commencing with Section 33600) to Division 12 of the Water Code, relating to the Sacramento Suburban Water District.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 948

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 707

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, May 1, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 425

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 425**—An act to amend Section 530.5 of the Penal Code, relating to identity theft.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

State Capitol, May 1, 2003

Mr. President: The Senate Rules Committee has created a Select Committee on Retirement Investment Protection and Corporate Responsibility and appointed Senator Florez to serve as Chair.

BURTON, Chair

**RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **SB 868** was referred to the Committee on Appropriations.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 5:

SB 769	SB 305	SB 618	SB 399
SB 73	SB 316	SB 637	SB 180
SB 79	SB 370	SB 690	SB 255
SB 145	SB 378	SB 909	SB 966
SB 182	SB 509	SB 930	SB 574
SB 196	SB 552	SB 1024	SB 496
SB 275	SB 604	SB 328	SB 851

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 285** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations.

**INTRODUCTION AND FIRST READING OF SENATE MEASURE**

The following measure was introduced, read the first time and referred to the Committee on Rules:

**Senate Concurrent Resolution 30:** By Senator Poochigian—Relative to electricity cost refunds.

**SENATE COMMITTEE ROLL CALLS****Committee on Education**

**SB 5**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 14**—Do pass and re-refer to Committee on Rules

AYES (8)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 124**—Do pass

AYES (2)—Senators Denham and Knight.

NOES (6)—Senators Alarcón, Chesbro, Karnette, Romero, Scott, and Speier.

Failed passage

**SB 177**—Do pass as amended and re-refer to Committee on Rules

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Speier.

**SB 187**—Do pass as amended, to Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 193**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, and Vasconcellos.

NOES (0)—None.

**SB 253**—Do pass as amended

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Speier, and Vasconcellos.

NOES (1)—Senator Denham.

**SB 290**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 338**—Do pass as amended

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 352**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (8)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 373**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 383**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 432**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 452**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 471**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (1)—Senator Denham.

**SB 481**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 495**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 507**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 524**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 525**—Do pass and re-refer to Committee on Rules

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 542**—Do pass and re-refer to Committee on Business and Professions.

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 550**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 556**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Scott, Sher, Speier, and Vasconcellos.

NOES (1)—Senator Denham.

**SB 575**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 592**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (1)—Senator Denham.

**SB 636**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 651**—Do pass

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 674**—Do pass

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 678**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 680**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 712**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**SB 722**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 728**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 823**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

**SB 971**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Chesbro, Denham, Karnette, Knight, Scott, and Speier.

NOES (2)—Senators Romero and Vasconcellos.

**SB 979**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (1)—Senator Knight.

Date of Hearing: 4/30/03

Vasconcellos (Chair)

#### **Committee on Health and Human Services**

**SB 428**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 476**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 540**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 577**—Do pass as amended and re-refer to Committee on Judiciary

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 606**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Florez, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 686**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Ashburn and Battin.

**SB 689**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 797**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Ashburn.

**SB 858**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 937**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Battin.

**SB 1005**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 1014**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Aanestad, Ashburn, Battin, and Ortiz.

NOES (0)—None.

Failed passage

**SB 1014**—Reconsideration granted

AYES (9)—Senators Aanestad, Alarcón, Ashburn, Battin, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**SB 1075**—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 4/30/03

Ortiz (Chair)

#### **Committee on Insurance**

**SB 2**—Do pass and re-refer to Committee on Health and Human Services

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 142**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 212**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 260**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 261**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Escutia, Figueroa, Johnson, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 344**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Figueroa, Perata, and Speier.

NOES (2)—Senators Johnson and Morrow.

Failed passage

**SB 344**—Reconsideration granted

AYES (9)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 853**—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 921**—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Escutia, Figueroa, Perata, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

Date of Hearing: 4/30/03

Speier (Chair)

**Committee on Judiciary**

**SB 173**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Sher.

NOES (1)—Senator Ackerman.

Date of Hearing: 5/1/03

Escutia (Chair)

**Committee on Revenue and Taxation**

**SB 17**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (3)—Senators Ashburn, Knight, and Poochigian.

**SB 402**—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alpert, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

Failed passage

**SB 402**—Reconsideration granted

AYES (5)—Senators Alpert, Ashburn, Burton, Cedillo, and Knight.

NOES (0)—None.

**SB 566**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

**SB 615**—Do pass, to Consent Calendar

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 948**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 1016**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

**SB 1060**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 1063**—Do pass, to Consent Calendar

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**SB 1064**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 4/30/03

Cedillo (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Bowen and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Army Sgt. Troy David Jenkins of Twenty-Nine Palms.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Margarete Connolly of San Francisco and Henry Berman.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Virginia Felder and Marta Tofanelli Minot of Sacramento.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Robert Reece Flack of Scotts Valley.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Mary Hazel Suddjian and Nicola DiCicco of Fresno and Henry Salwasser of Kerman.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, May 5, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, May 5, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Brulte will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 28                      ACR 74                      AJR 21

Assembly Chamber, May 1, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 25

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, May 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 63

Assembly Chamber, May 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 80	AB 171	AB 524
AB 776	AB 935	AB 1195
AB 1308	AB 1335	AB 1403

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 28**—Relative to Elder Abuse Prevention Month.

**Assembly Concurrent Resolution 74**—Relative to the International Commission of Holocaust Era Insurance Claims.

**Assembly Joint Resolution 21**—Relative to lifetime medical benefits provided to retired military personnel.

**Assembly Bill 80**—An act to amend Section 31485.7 of, and to add Section 31641.55 to, the Government Code, relating to county employees' retirement.

**Assembly Bill 171**—An act to amend Section 6276.24 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to Medi-Cal.

**Assembly Bill 524**—An act to add Section 361.1 to the Welfare and Institutions Code, relating to minors.

**Assembly Bill 776**—An act to amend Section 46013.1 of the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

**Assembly Bill 935**—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

**Assembly Bill 1195**—An act to amend Section 65402 of, and to add Section 66412.4 to, the Government Code, relating to land use.

**Assembly Bill 1308**—An act to amend Sections 11758.41 and 11880 of, and to add Section 11880.5 to, the Health and Safety Code, and to add Section 4032 to the Penal Code, relating to drug treatment.

**Assembly Bill 1335**—An act to amend Section 12847 of the Food and Agricultural Code, relating to pesticides.

**Assembly Bill 1403**—An act relating to CalWORKs.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Elections and Reapportionment**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 152

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 152**—An act to add Section 8606 to the Elections Code, relating to candidates.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 704

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 896

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 896**—An act to add Section 1025 to the Government Code, relating to public funds.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:  
SB 408

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 238

SB 489

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 238**—An act to amend Section 261 of the Penal Code, relating to rape.

Bill read second time.

**Senate Bill 489**—An act to add Section 1310 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 265

SB 584

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 265**—An act to amend Section 3044 of the Family Code, relating to child custody.

Bill read second time.

**Senate Bill 584**—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 875

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 875**—An act to add Section 123232 to the Health and Safety Code, relating to child nutrition.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 875 pursuant to Joint Rule 58.

SENATOR ESCUTIA

**Permission of Rules Committee**

Senate Chamber, May 5, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 875.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 476

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 557

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 557**—An act to add Article 10 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, May 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 44

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, May 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 762

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 356

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 6

SB 789

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 6**—An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, 70901, 70901.5, 70902, 71000, 71090, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3,

and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 71090.5, 99181, and 99182 of, and to repeal and add Sections 33302 and 33303 of, the Education Code, relating to public education governance.

Bill read second time.

**Senate Bill 789**—An act relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 770

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 770**—An act to add and repeal Section 2826.7 of the Public Utilities Code, relating to electricity.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1071

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1071**—An act to add Section 2403 to the Business and Professions Code, relating to medicine.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 186

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 260

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SPEIER, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 107

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 107**—An act to amend Section 379.5 of, and to repeal Section 350 of, the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 242

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 139

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, May 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 173

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 798

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 798**—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 511

SB 922

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measures ordered to second reading.

**Committee on Local Government**

Senate Chamber, May 5, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 10

SB 149

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 10**—An act to repeal Section 26134 of the Water Code, relating to irrigation districts.

Bill read second time.

**Senate Bill 149**—An act to amend Section 221 of the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 335

SB 598

SB 617

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUZIA, Chair

Above measures ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 17

SB 566

SB 1016

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 781

SB 970

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measures ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 191

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 660

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 544

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

SB 452      SB 507      SB 575      SB 636

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 290

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:  
SB 678

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VASCONCELLOS, Chair

Above measure ordered to second reading.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Bill 801**—An act to repeal and add Section 51220.3 to the Education Code, relating to instruction.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 65**—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 677**—An act to amend Section 49431 of the Education Code, relating to schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 258**—An act to add Chapter 5.6 (commencing with Section 51930) of Part 28 of the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 651**—An act to amend Section 52335.2 of the Education Code, relating to school finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 779**—An act to add Article 5 (commencing with Section 110424.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 615**—An act to repeal Section 75.30 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1063**—An act to amend Sections 1614, 3692, 3698.5, 3698.7, 4112, 4675, and 5104 of, to add Sections 3794.3 and 4672.3 to, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1060**—An act to amend Sections 6405, 6459, 7093.5, 7326, 8105, 9271, 30459.1, 32471, 40211, 41171, 43522, 45867, 46622, 50156.11, 55332, 60022, 60507, 60604, 60606, and 60636 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 432**—An act to add Article 7.5 (commencing with Section 8238) to Chapter 2 of Part 6 of the Education Code, relating to early childhood development.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 254**—An act to amend Section 69922 of the Government Code, relating to trial courts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 948**—An act to add Section 17132.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 707**—An act to add Section 21151.3 to the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **THIRD READING OF SENATE BILLS**

**Senate Bill 978**—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

Bill read third time.

#### **Amendments Adopted**

Amendments to SB 978 proposed by Senator Torlakson were read and adopted and the measure ordered printed, engrossed, and to second reading.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 254** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

**SB 1022** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Judiciary;

**SB 853** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

**SB 14** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 674** was withdrawn from committee and placed on file.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 590 to be heard in the Committee on Judiciary on May 6, 2003, without four days notice in the Daily File.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Brulte.

#### **REQUEST TO ADJOURN IN MEMORIAM**

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Fred Hernandez and Alison Logan Lorimore of Orange County.

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**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Tuesday, May 6, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-SEVENTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, May 6, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
May 6, 2003

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Nancy H. Sutley                      Member, California Water Commission  
Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 26

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, May 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 29	ACR 35	ACR 71
ACR 75	ACR 83	AJR 10

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 29**—Relative to Daniel J. Muehlhausen Memorial Highway.

**Assembly Concurrent Resolution 35**—Relative to the Steven Lindblom Memorial Freeway.

**Assembly Concurrent Resolution 71**—Relative to Donald Ralph Johnston Memorial Highway.

**Assembly Concurrent Resolution 75**—Relative to Indoor Air Quality Tools for Schools Program.

**Assembly Concurrent Resolution 83**—Relative to skin cancer and melanoma awareness.

**Assembly Joint Resolution 10**—Relative to the Imperial County Airport.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, May 5, 2003

The Committee on Rules has re-referred the following measure to committee:

**Health and Human Services and Revenue and Taxation**—SB 921.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 923

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 493

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 493**—An act to add Section 25400.5 to the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SB 430

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

PERATA, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 422

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:

SB 248

Reports the same back with the recommendation: Do pass as amended.  
MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 708

Reports the same back with the recommendation: Do pass as amended, but  
first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 848

Reports the same back with the recommendation: Do pass as amended, but  
first amend, and re-refer to the Committee on Public Safety.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 915

Reports the same back with the recommendation: Do pass as amended, but  
first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

#### **Committee on Appropriations**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Appropriations, to which  
were referred:

SB 70	SB 492	SB 748	SB 919
SB 168	SB 605	SB 763	SB 920
SB 185	SB 611	SB 774	SB 965
SB 217	SB 639	SB 777	SB 968
SB 218	SB 642	SB 810	SB 1059
SB 262	SB 647	SB 828	SB 1061
SB 318	SB 659	SB 834	SB 1065
SB 409	SB 666	SB 871	SB 1068
SB 443	SB 719	SB 873	SJR 6
SB 460	SB 732	SB 874	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 568

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 344

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 344**—An act to amend Sections 12340.2, 12360, 12640.02, 12640.07, and 12640.10 of the Insurance Code, relating to mortgage insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 293

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 293**—An act to add Sections 66007.1 and 66007.2 to the Government Code, relating to development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 640

SB 947

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 219

SB 259

SB 300

SB 306

SB 308

SB 521

SB 623

SB 673

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

**Committee on Transportation**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:

SB 916

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 411

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Date of Hearing, April 8, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 216

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

- SB 193                      SB 495                      SB 592
- SB 712                      SB 823

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

- SB 754

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

- SB 118                      SB 183

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Appropriations, to which was referred:

- SB 693

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:  
SB 722

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:  
SB 253

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 812                      SB 813                      SB 814

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measures ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 808

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SCA 4

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Constitutional Amendments with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Constitutional Amendments.

Date of Hearing, April 29, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 527

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SCA 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 212

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SPEIER, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 20

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 20**—An act relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 117

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 994

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Natural Resources and Wildlife.

MACHADO, Chair

Above measure re-referred to the Committee on Natural Resources and Wildlife.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 700

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 122

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 122**—An act to amend Section 17204 of the Business and Professions Code, relating to unfair competition.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 401

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

McPHERSON, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 151      SB 420      SB 631      SB 752  
SB 884      SB 993      SB 1032

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which were referred:

SB 570      SB 684      SB 877

Reports the same back with the recommendation: Do pass.

McPHERSON, Chair

Above bills ordered to second reading.

**Committee on Judiciary**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 294

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 294**—An act to amend Sections 2850, 2851, 2852, 2853, 2854, and 2855 of, and to repeal Section 2856 of, the Probate Code, relating to conservators, guardians, and trustees.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AJR 12

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Joint Resolution 12**—Relative to the Head Start program.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 1005

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 606

SB 689

SB 797

SB 937

SB 1075

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

**Committee on Business and Professions**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 671

SB 1071

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bills ordered to second reading.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 292

SB 907

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measures ordered to second reading.

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 362

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measure ordered to second reading.

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

SB 358

SB 360

SB 361

SB 363

SB 364

SB 967

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Environmental Quality**

Date of Hearing, April 28, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 705

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 1207

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 245

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill 978**—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 704**—An act to add Section 42315.5 to the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 408**—An act to amend, repeal, and add Section 11837 of the Health and Safety Code, and to amend Sections 13353.2, 13353.8, 13557, and 23612 of, to amend, repeal, and add Sections 1803, 13352, 13352.4, 13352.5, 13353, 13353.3, 13353.5, 13353.7, 13354, 13954, 14601.2, 23109, 23109.5, 23521, 23536, 23538, 23542, 23548, 23552, 23556, 23562, 23568, 23660, and 23665 of, and to repeal and add Section 13380 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 476**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 44**—An act to add Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 762**—An act to add Section 11405 to the Penal Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 356**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 186**—An act to amend Section 17538.4 of, and to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, relating to privacy.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 260**—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 242**—An act to amend Section 81130.3 of, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, the Education Code, relating to community colleges.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 139**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 173**—An act to add Section 17206.7 to the Business and Professions Code, and to add Section 391.1 to the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 511**—An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 922**—An act to amend Section 13304 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 335**—An act to add Title 6 (commencing with Section 40000) to the Corporations Code, relating to corporations.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 598**—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 617**—An act to amend Section 1639 of, and to add Section 7158.3 to, the Health and Safety Code, relating to anatomical gifts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 17**—An act to amend Sections 64, 480.1, 480.2, and 482 of, and to add Section 471 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 566**—An act to amend Section 7251.1 of, and to add Sections 7251.5 and 7285.6 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1016**—An act to amend Section 30101.7 of the Revenue and Taxation Code, relating to tobacco.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 781**—An act to amend Section 3001 of the Penal Code, relating to parole.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 970**—An act to add Sections 11077.5 and 11077.6 to, and to amend Section 11077 of, the Penal Code, relating to criminal offender record information.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 674**—An act to amend Section 37700 of the Education Code, relating to schooldays.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 191**—An act to amend Section 1252 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 660**—An act to add Section 1798.855 to the Civil Code, and to add Section 68154 to the Government Code, relating to personal records.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 544**—An act to amend Section 6107 of the Government Code, relating to veterans.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 452**—An act to amend Sections 89260 and 89260.5 of, and to repeal Section 89260.7 of, the Education Code, relating to the California State University.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 507**—An act to amend Section 52244 of, and to repeal Section 60830.9 of, the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 575**—An act to amend Section 33126 of the Education Code, relating to school accountability.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 636**—An act to add Section 56509 to the Education Code, relating to special education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 290**—An act to amend Section 51226.3 of the Education Code, relating to instruction.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 678**—An act to add Sections 35182.6, 49431.2, 49431.3 to the Education Code, relating to pupils.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SB 258** was referred to the Committee on Appropriations.

**REQUESTS TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Alpert:

Senate Chamber, May 6, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 215 may be reported by the Committee on Health and Human Services after the deadline.

SENATOR ALPERT

The following request was presented by Senator Vasconcellos:

Senate Chamber, May 6, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 6, SB 837, SB 892 may be reported by the Committee on Education after the deadline.

SENATOR VASCONCELLOS

The following request was presented by Senator Escutia:

Senate Chamber, April 30, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(3) in order that SB 122, SB 584, SB 889, SB 912, SB 1022 may be reported by the Committee on Judiciary after the deadline.

SENATOR ESCUTIA

The following request was presented by Senator Florez:

Senate Chamber, May 6, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) and 62(a) in order that SB 901 may be heard and reported by the Committee on Banking, Commerce and International Trade after the deadline.

SENATOR FLOREZ

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**JOINT RULES DISPENSED WITH**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(2), (a)(3) and 62(a) were dispensed with as requested.

**SENATE COMMITTEE ROLL CALLS****Committee on Business and Professions**

**SB 358**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

**SB 359**—Do pass as amended and re-refer to Committee on Rules  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 360**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 361**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 362**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 363**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 364**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 376**—Do pass  
AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.  
NOES (1)—Senator Aanestad.

**SB 506**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 671**—Do pass  
AYES (4)—Senators Aanestad, Cedillo, Figueroa, and Machado.  
NOES (0)—None.

**SB 967**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**SB 1071**—Do pass  
AYES (4)—Senators Aanestad, Cedillo, Figueroa, and Machado.  
NOES (0)—None.

Date of Hearing: 5/5/03

Figueroa (Chair)

**Committee on Agriculture and Water Resources****SB 117**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Perata, and Torlakson.

NOES (1)—Senator Margett.

**SB 533**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (7)—Senators Alpert, Bowen, Florez, Kuehl, Machado, Perata, and Torlakson.

NOES (4)—Senators Aanestad, Ducheny, Hollingsworth, and Margett.

**SB 750**—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Alpert, Bowen, Ducheny, Florez, Kuehl, Machado, and Perata.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and Poochigian.

**SB 994**—Do pass and re-refer to Committee on Natural Resources and Wildlife

AYES (7)—Senators Aanestad, Alpert, Denham, Ducheny, Hollingsworth, Margett, and Poochigian.

NOES (5)—Senators Florez, Kuehl, Machado, Perata, and Torlakson.

**SB 1036**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Aanestad, Alpert, Machado, and Perata.

NOES (5)—Senators Denham, Florez, Hollingsworth, Margett, and Poochigian.

Failed passage

**SB 1036**—Reconsideration granted

AYES (9)—Senators Aanestad, Alpert, Denham, Florez, Hollingsworth, Machado, Margett, Perata, and Poochigian.

NOES (0)—None.

Date of Hearing: 5/6/03

Machado (Chair)

**Committee on Appropriations****SB 219**—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Johnson, Karnette, Machado, Murray, and Speier.

NOES (1)—Senator Battin.

**SB 259**—Do pass

AYES (11)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 300**—Do pass

AYES (8)—Senators Aanestad, Alpert, Burton, Escutia, Johnson, Karnette, Machado, and Speier.

NOES (2)—Senators Battin and Poochigian.

**SB 306—Do pass**

AYES (10)—Senators Alpert, Ashburn, Battin, Bowen, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 308—Do pass**

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 521—Do pass**

AYES (10)—Senators Alpert, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 623—Do pass**

AYES (11)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 673—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 693—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**AB 1207—Committee amendments**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Murray, Poochigian, and Speier.

NOES (0)—None.

**AB 1207—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

Date of Hearing: 5/5/03

Alpert (Chair)

**Committee on Environmental Quality****SB 181—Do pass as amended**

AYES (6)—Senators Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 311—Do pass**

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 537—Do pass as amended**

AYES (4)—Senators Kuehl, McPherson, Romero, and Sher.

NOES (2)—Senators Chesbro and Denham.

**SB 805—Do pass as amended**

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 945—Do pass**

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 983—Do pass, to Consent Calendar**

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 1074—Do pass, to Consent Calendar**

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 5/5/03

Sher (Chair)

**Committee on Governmental Organization****SB 74—Reconsideration granted**

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (3)—Senators Brulte, Johnson, and Margett.

**SB 808—Do pass as amended and re-refer to Committee on Appropriations**

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 812—Do pass, to Consent Calendar**

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 813—Do pass, to Consent Calendar**

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 814—Do pass, to Consent Calendar**

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

**SCA 4**—Be adopted and re-refer to Committee on Constitutional Amendments, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 5/6/03

Vincent (Chair)

#### **Committee on Public Safety**

**SB 58**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

**SB 58**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 151**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 222**—Do pass as amended

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed passage

**SB 222**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 238**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator McPherson.

**SB 284**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (3)—Senators Burton, Sher, and Vasconcellos.

Failed passage

**SB 284**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 299**—Do pass

AYES (0)—None.

NOES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

Failed passage

**SB 401**—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 420**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 425**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Margett, McPherson, and Vasconcellos.

NOES (0)—None.

Failed passage

**SB 425**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 434**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

**SB 435**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**SB 489**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator McPherson.

**SB 567**—Do pass as amended

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 570**—Do pass

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 599**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 601**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 602**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, McPherson, Romero, and Vasconcellos.

NOES (1)—Senator Margett.

**SB 631**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 638**—Do pass

AYES (1)—Senator Burton.

NOES (3)—Senators Margett, McPherson, and Romero.

Failed passage

**SB 638**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 684**—Do pass

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 752**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 824**—Do pass as amended

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 877**—Do pass

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 881**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

Failed passage

**SB 884**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 991**—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Margett, McPherson, and Vasconcellos.

NOES (1)—Senator Sher.

Failed passage

**SB 991**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**SB 993**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**SB 1032**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 5/6/03

McPherson (Chair)

**Committee on Transportation****SB 232**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 247**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Ashburn.

**SB 248**—Do pass as amended

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

**SB 315**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 685**—Do pass

AYES (6)—Senators Ashburn, Brulte, McClintock, Morrow, Murray, and Perata.

NOES (7)—Senators Figueroa, Florez, Karnette, Scott, Soto, Speier, and Torlakson.

Failed passage

**SB 685**—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Failed passage

**SB 708**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

**SB 795**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

**SB 799**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 802**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, McClintock, Morrow, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 848**—Do pass as amended and re-refer to Committee on Public Safety

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

**SB 915**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

**SB 916**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

**SB 924**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

**SB 957**—Do pass

AYES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

NOES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Soto, Speier, and Torlakson.

Failed passage

**SB 957**—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Failed passage

Date of Hearing: 4/29/03

Murray (Chair)

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Oller requested that when the Senate adjourns this day it do so in memory of Al Grosby of Sacramento.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, May 7, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, May 7, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Dunn will be excused this day due to a death in the family.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health and Human Services**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Health and Human Services, to which  
was referred:

SB 577

Reports the same back with the recommendation: Do pass as amended, but  
first amend, and re-refer to the Committee on Judiciary.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 311

SB 945

Reports the same back with the recommendation: Do pass.

SHER, Chair

Above bills ordered to second reading.

Date of Hearing, May 5, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 983

SB 1074

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SHER, Chair

Above measures ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 888

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, May 6, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 856

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 338

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 177

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 352

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which was referred:

SB 187

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, April 30, 2003

Mr. President: The Committee on Education, to which were referred:

SB 373      SB 471      SB 524      SB 680

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 601

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 818

Reports the same back with the recommendation: Do pass and be placed  
on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 27	SB 199	SB 331
SB 508	SB 515	SB 590

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bills ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 298

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 7, 2003

Mr. President: The Chair of the Committee on Appropriations, to which  
was referred:

SB 627

Reports the same back with the recommendation: That the above measure  
be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Transportation, to which were  
referred:

SB 112	SB 780
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Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 504

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

MURRAY, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SJR 7

Reports the same back with the recommendation: Be adopted.

MURRAY, Chair

Above resolution ordered to third reading.

**Committee on Appropriations**

Senate Chamber, May 7, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 562

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 562**—An act to add Sections 16724.1 and 16724.2 to the Government Code, relating to bonds.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 376

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bill ordered to second reading.

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 359

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

FIGUEROA, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 787                      SB 806                      SB 1037

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Local Government, to which were referred:

SB 93                              SB 938

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 10

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing, April 29, 2003

Mr. President: The Committee on Transportation, to which was referred:

SB 924

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 506

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measure ordered to second reading.

Date of Hearing, April 28, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

SB 969

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Education, to which was referred:

SB 84

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Education, to which was referred:

SJR 11

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 923**—An act to amend Sections 5650 and 12011 of the Fish and Game Code, and to amend Sections 13265 and 13269 of the Water Code, relating to water, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 430**—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read second time.

The amendments proposed by the Committee on Elections and Reapportionment were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 422**—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 248**—An act to amend Sections 415, 426, 3001, 3003, 3051, and 3062 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 708**—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend Section 42001.2 of, and to add Section 2814.1 to, the Vehicle Code, relating to air pollution.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 848**—An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Senate Bill 915**—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.22, 66540.40, and 66540.72 of, to add Section 66540.29 to, and to repeal Section 66540.23 of, the Government Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 70**—An act to amend Section 8483.55 of the Education Code, relating to education, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 168**—An act to amend Sections 25401.2, 25519, 25523, 25525, and 25620.5 of, and to amend and renumber Section 25620.10 of, the Public Resources Code, and to amend Section 445 of, and to repeal Division 4.7 (commencing with Section 9201) of, the Public Utilities Code, relating to energy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 185**—An act to amend Sections 398.4 and 398.5 of the Public Utilities Code, relating to electricity.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 217**—An act to add Section 4582.1 to the Public Resources Code, relating to forest resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 218**—An act to amend Section 2761 of the Public Resources Code, relating to surface mining.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 262**—An act to amend Section 4458 of the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 318**—An act to amend Section 10631 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 409**—An act to amend, repeal, and add Section 17070.75 of, and to add and repeal Section 33129.5 of, the Education Code, relating to school finance, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 443**—An act to amend Section 7028 of the Business and Professions Code relating to contractors.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 460**—An act to add Section 53030 to the Education Code, relating to school finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 492**—An act to amend and repeal Section 65585.2 of the Government Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 605**—An act to add Section 8592.6 to the Government Code, relating to public safety.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 611**—An act to amend Section 99200 of the Education Code, relating to instructional strategies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 639**—An act to amend Sections 65891.8 and 65891.12 of the Government Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 642**—An act to amend Section 485 of the Food and Agricultural Code, relating to quarantines.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 647**—An act to amend Sections 21108 and 21152 of the Public Resources Code, relating to environmental quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 659**—An act to amend Section 739 of the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 666**—An act to add Section 53121 to the Government Code, relating to telecommunications.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 719**—An act to amend Sections 32261, 32262, 35183, 35294.10, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 (commencing with Section 32290) to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 732**—An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 748**—An act to add and repeal Chapter 11 (commencing with Section 1500) of Division 6 of the Military and Veterans Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 763**—An act to amend Section 17217 of the Education Code, relating to schoolsite acquisition.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 774**—An act to amend Sections 4140, 4142, 4145, and 4147 of, to add Sections 4142.2, 4142.4, 4142.6, and 4142.8 to, and to repeal Section 4146 of, the Business and Professions Code, and to amend Sections 11364 and 11364.5 of the Health and Safety Code, relating to hypodermic needles and syringes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 777**—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 810**—An act to amend Sections 4514.3, 4582.7, and 4582.75 of, and to add Section 4582.71 to, the Public Resources Code, relating to natural resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 828**—An act to add Section 1252.5 to the Health and Safety Code, relating to hospitals.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 834**—An act to add Section 709.9 to the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 871**—An act to amend Section 39152 of the Health and Safety Code, relating to air quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 873**—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 874**—An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 919**—An act to amend Sections 241 and 243 of the Penal Code, relating to crime.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 920**—An act to amend Sections 352 and 372 of, to amend and renumber Section 454.1 of, to add Section 345.3 to, to repeal Sections 346, 348, and 350 of, and to repeal Article 2 (commencing with Section 334), Article 4 (commencing with Section 355), and Article 5

(commencing with Section 359) of Chapter 2.3 of Part 1 of, the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 965**—An act to amend Section 1011 of the Military and Veterans Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 968**—An act to amend Sections 186.2 and 186.8 of the Penal Code, relating to organized crime.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1059**—An act to amend Section 6105 of the Commercial Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Section 256.6 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1061**—An act to amend Sections 23041 and 25111 of, and to add Sections 18405.1, 25113, and 25116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1065**—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1068**—An act to amend Section 12463 of the Government Code, relating to the Controller.

Bill read second time, ordered engrossed, and to third reading.

**Senate Joint Resolution 6**—Relative to emergency services.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 568**—An act to amend Sections 25141.2 and 57004 of the Health and Safety Code, relating to environmental protection.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 947**—An act to amend Section 6086.7 of the Business and Professions Code, to amend Sections 7810 and 7950 of, and to add Section 8620 to, the Family Code, and to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 219**—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 259**—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 300**—An act to add Section 2912.5 to the Penal Code, relating to foreign prisoners.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 306**—An act to amend Sections 18214, 50781, and 50786 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 308**—An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 521**—An act to amend Sections 309.5 and 1802 of, and to add Section 1802.3 to, the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 623**—An act to amend Section 2081.7 of the Fish and Game Code, relating to endangered species.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 673**—An act to add Article 11 (commencing with Section 12640.21) to Chapter 2A of Part 6 of Division 2 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 916**—An act to amend Section 14531 of, and to add Section 67523 to, the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30914.5, and 30922 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the

Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 411**—An act relating to water, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 216**—An act to amend Section 2116 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 193**—An act to add Chapter 15.3 (commencing with Section 67370) to Part 40 of the Education Code, and to add Section 3364.4 to the Labor Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 495**—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 592**—An act to amend Section 60061 of, and to add Chapter 1.5 (commencing with Section 60150) to Part 33 of, the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 712**—An act to amend Section 64201 of the Education Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 823**—An act to add Sections 8534.5, 8536.1, 8540, and 8541 to the Education Code, relating to students.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 118**—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 183**—An act to add Chapter 8.6 (commencing with Section 25740) to Division 15 of the Public Resources Code, and to repeal Section 383.5 of the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 693**—An act to add Section 12803.3 to the Government Code, relating to foster care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 722**—An act to amend Section 35160.5 and 49558 of the Education Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 253**—An act to amend Sections 3540.1, 3543.4, 3544.1, and 3544.7 of, and to add Section 3543.10 to, the Government Code, relating to public school employees.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 812**—An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 813**—An act to add Section 19605.74 to the Business and Professions Code, relating to horse racing.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 814**—An act to amend Sections 19801, 19962, and 19963 of the Business and Professions Code, relating to gambling.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 808**—An act to amend Section 473 of the Business and Professions Code, relating to professions and vocations.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 527**—An act to add Chapter 12 (commencing with Section 15399.70) to Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 212**—An act to amend Section 742.24 of the Insurance Code, relating to investments.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 700**—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 41511.5, and 44559.9 to, and

to amend and repeal Section 41705 of, the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 570**—An act to amend Section 830.1 of the Penal Code, relating to county employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 684**—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 877**—An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1005**—An act to amend Sections 1279, 1280, 1280.1, and 1280.2 of, and to add Sections 1266.2 and 1279.1 to, the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 606**—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 689**—An act to add Article 4 (commencing with Section 104210) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, and to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, relating to cancer.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 797**—An act to add Section 125705 to the Health and Safety Code, relating to health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 937**—An act to amend Sections 1208, 1212, 1217, 1228, and 1231 of, and to add Sections 1218.1, 1226.1, 1226.2, 1226.3, and 1229.1 to, and to add and repeal Section 1218.2 of,, the Health and Safety Code, relating to clinics.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1075**—An act to add Section 138.6 to the Health and Safety Code, relating to women's health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 671**—An act to amend Sections 13570 and 13651 of the Business and Professions Code, relating to motor vehicle fuel.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1071**—An act to add Section 2403 to the Business and Professions Code, relating to medicine.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 292**—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 907**—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 362**—An act to amend Sections 1616.5, 1742, 1756, 1760, 1760.5, 1761, 1765, 1768, and 1775 of, and to amend and repeal Section 1601.1 of, and to repeal Sections 1762, 1763, and 1764 of, the Business and Professions Code, to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001, relating to dental professionals.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 705**—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 640**—An act to add Article 11 (commencing with Section 10286) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 754**—An act to add Division 10.7 (commencing with Section 12400) to the Public Resources Code, relating to forest resources.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 1207**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

#### THIRD READING OF SENATE BILLS

**Senate Bill 129**—An act to amend Section 77202 of the Government Code, relating to trial courts.

Bill read third time.

**Amendments Adopted**

Amendments to SB 129 proposed by Senator Escutia were read and adopted and the measure ordered printed, engrossed, and to second reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 12:

SCR 25	SB 611	SB 874	SB 259
SCR 26	SB 642	SB 919	SB 306
SB 651	SB 666	SB 965	SB 308
SB 674	SB 748	SB 1059	SB 521
SB 70	SB 763	SB 1061	SB 623
SB 168	SB 834	SB 1065	SB 570
SB 443	SB 871	SB 1068	SB 684
SB 605	SB 873	SJR 6	SB 1071

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 708** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Judiciary;

**SB 1078** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

**SB 660** and **SB 820** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SB 65**, **SB 677**, and **SB 678** were withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS****Committee on Education**

**SB 6**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Chesbro, Karnette, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

**SB 84**—Do pass, to Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 837**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Vasconcellos and Vincent.

NOES (1)—Senator Denham.

Failed passage

**SB 842—Do pass as amended**

AYES (9)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

**SB 892—Do pass as amended and re-refer to Committee on Rules**

AYES (9)—Senators Alpert, Chesbro, Denham, Karnette, Romero, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

**SJR 11—Be adopted, to Consent Calendar**

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 5/7/03

Vasconcellos (Chair)

**Committee on Energy, Utilities and Communications**

**SB 304—Do pass as amended and re-refer to Committee on Rules**

AYES (5)—Senators Alarcón, Bowen, Dunn, Morrow, and Sher.

NOES (2)—Senators McClintock and Murray.

**SB 770—Do pass as amended and re-refer to Committee on Appropriations**

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Morrow, Murray, and Sher.

NOES (0)—None.

**SB 888—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (3)—Senators Battin, McClintock, and Morrow.

Date of Hearing: 5/6/03

Bowen (Chair)

**Committee on Elections and Reapportionment**

**SB 152—Do pass**

AYES (2)—Senators Johnson and Poochigian.

NOES (3)—Senators Escutia, Murray, and Perata.

Failed passage

**SCA 6—Do pass as amended and re-refer to Committee on Constitutional Amendments**

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (1)—Senator Johnson.

Date of Hearing: 5/7/03

Perata (Chair)

**Committee on Judiciary**

**SB 27—Do pass**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 113**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 156**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 199**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 265**—Do pass as amended

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 298**—Do pass as amended

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 331**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 508**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 515**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 590**—Do pass

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 734**—Do pass as amended

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (1)—Senator Ackerman.

**SB 749**—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 766**—Do pass as amended

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (2)—Senators Ackerman and Sher.

**SB 818**—Do pass, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 902—Do pass as amended**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 940—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**SB 1034—Do pass as amended**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SJR 12—Be adopted**

AYES (1)—Senator Ackerman.

NOES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

Failed passage

Date of Hearing: 5/6/03

Escutia (Chair)

**Committee on Labor and Industrial Relations**

**SB 365—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 366—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 457—Do pass as amended and re-refer to Committee on Rules**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 714—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 731—Do pass as amended and re-refer to Committee on Public Safety**

AYES (3)—Senators Margett, McClintock, and Oller.

NOES (3)—Senators Alarcón, Kuehl, and Romero.

Failed passage

**SB 731—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 758—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 759—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 893—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 962—Do pass as amended and re-refer to Committee on Appropriations**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 1010—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

**SB 1011—Reconsideration granted**

AYES (7)—Senators Alarcón, Figueroa, Kuehl, Margett, McClintock, Oller, and Romero.

NOES (0)—None.

Date of Hearing: 5/7/03

Alarcón (Chair)

**Committee on Local Government****SB 10—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 93—Do pass**

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 149—Do pass as amended and re-refer to Committee on Appropriations**

AYES (6)—Senators Ackerman, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 745**—Do pass as amended

AYES (6)—Senators Ackerman, Hollingsworth, Machado, Margett, Soto, and Torlakson.

NOES (0)—None.

**SB 787**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 806**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 898**—Do pass as amended

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**SB 906**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Hollingsworth, Machado, Perata, Soto, and Torlakson.

NOES (1)—Senator Ackerman.

**SB 938**—Do pass

AYES (6)—Senators Ackerman, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SB 1037**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**SCA 11**—Do pass as amended and re-refer to Committee on Constitutional Amendments

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

Date of Hearing: 5/7/03

Torlakson (Chair)

**Committee on Transportation****SB 112**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Ashburn, Brulte, Figueroa, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 314**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

**SB 504**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

**SB 780**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Figueroa, Karnette, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Murray.

**SCR 17**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**SJR 7**—Do pass

AYES (8)—Senators Figueroa, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

Date of Hearing: 5/6/03

Murray (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to a death in the family: Senator Dunn.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, May 8, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTY-NINETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, May 8, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Dunn will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Eternal Lover of Your Children*, Bring us into Your life. With radiant faces make us not only sharers in Your love, but transmitters of it. Grant us serenity and patience in the midst of our frustrations, at the same time make us heroic adventurers, brave, gentle, tender, and without fear in the knowledge that You are our God and that in You all will be well.

(Rufus Jones, Quaker, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Johnson led the Senate in the pledge of allegiance to the Flag.

**REQUEST FOR UNANIMOUS CONSENT (SR 19)**

Senator Ortiz asked for, and was granted unanimous consent that SR 19 be withdrawn from committee and taken up at this time without reference to file.

**Consideration of Senate Resolution 19**

**Senate Resolution 19**—Relative to skin cancer awareness.

Resolution read and adopted.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Escutia:

Senate Chamber, May 7, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 352 may be reported by the Committee on Environmental Quality after the deadline.

SENATOR ESCUTIA

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**REQUESTS TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Johnson:

Senate Chamber, May 8, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 26 may be reported by the Committee on Insurance after the deadline.

SENATOR SPEIER

The following request was presented by Senator Johnson:

Senate Chamber, May 8, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 821 may be reported by the Committee on Education after the deadline.

SENATOR ALARCÓN

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Johnson.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**UNANIMOUS CONSENT TO SET SPECIAL CONSENT CALENDAR**

Without objection SCR 19, SCR 22, SCR 27, ACR 22, ACR 26, ACR 70, ACR 78, ACR 82 and ACR 88 were withdrawn from committee and ordered placed on a Special Consent Calendar to be taken up today.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 425, SB 848, and SB 929 to be heard in the committee on Public Safety without four days notice in the file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 311**—An act to amend Section 116365 of the Health and Safety Code, relating to environmental health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 945**—An act to amend Sections 21083, 21084.2, and 21086 of, and to repeal Section 21087 of, the Public Resources Code, relating to environmental quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 983**—An act to amend Sections 41701 and 71115 of the Public Resources Code, relating to solid waste.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1074**—An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend Section 48003 of the Public Resources Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 856**—An act to amend Section 14763 of the Government Code, relating to state property.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 338**—An act to amend Sections 48800, 48802, and 76002 of the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 177**—An act relating to school finance.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 352**—An act to amend Sections 17074.27, 17074.30, 17213, and 17582 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Senate Bill 187**—An act to amend Sections 44325, 44326, 44328, and 44830.3 of the Education Code, relating to district interns, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 373**—An act to amend Section 64001 of, and to add Section 60242.1 to, the Education Code, relating to school accountability.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 471**—An act to amend Sections 60601 and 60602 of the Education Code, relating to pupil testing.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 524**—An act to amend Section 51852 of the Education Code, relating to instruction.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 680**—An act to amend Sections 69432.7 and 69437.6 of, and to add Article 6.3 (commencing with Section 69439.3) to Chapter 1.7 of Part 42 of, the Education Code, relating to student financial aid.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 601**—An act to amend Section 12020 of the Penal Code, relating to .50 caliber handguns.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 818**—An act to amend Sections 71801 and 71802 of the Government Code, and to amend Section 1 of Chapter 1047 of the Statutes of 2002, relating to courts.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 27**—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 199**—An act to add Section 664 to the Civil Code, relating to genetic information.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 331**—An act to add Section 340.8 of the Code of Civil Procedure, relating to toxic injuries.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 508**—An act to add Section 2984.5 to the Civil Code, relating to automobile sales financing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 515**—An act to add Section 425.17 to the Code of Civil Procedure, relating to civil actions.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 590**—An act to add Title 1.4C (commencing with Section 1749.70) to Part 4 of Division 3 of the Civil Code, relating to personal information.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 298**—An act to amend Section 3050 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 627**—An act to amend Sections 22203.5, 22213, 22503, 22663, 22713, 22714, 22820, 22905, 23300, 24002, 24012, 24111, 24214,

24216.5, 24300, 24975, 25000.9, 25018.5, 25101, and 25940 of the Education Code, relating to state teachers' retirement.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 376**—An act to amend Section 2401 of the Business and Professions Code, relating to healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 359**—An act to add Sections 94779.1, 94779.3, and 94779.4 to, and to add and repeal Section 94779.2 of, the Education Code, relating to the Bureau for Private Postsecondary and Vocational Education.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 787**—An act to amend Sections 53601 and 53635 to the Government Code, relating to local agency investments.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 806**—An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1037**—An act to amend Sections 66453 and 66473.3 of, and to repeal Section 66473.2 of, the Government Code relating to subdivisions.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 93**—An act to amend Sections 25350, 25350.60, and 25537 of the Government Code, relating to county real property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 938**—An act to amend Sections 36522 and 36523 of, and to repeal Section 36523.5 of, the Streets and Highways Code, relating to improvement areas.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 924**—An act to add Chapter 4.8 (commencing with Section 2195) to Division 3 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 129**—An act to amend Section 77202 of the Government Code, relating to trial courts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 506**—An act to amend Section 4164 of the Business and Professions Code, relating to pharmaceuticals.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 969**—An act to amend Section 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 84**—An act to repeal Section 44306 of the Education Code, relating to teacher credentialing.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Joint Resolution 11**—Relative to special education funding.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 65**—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 677**—An act to amend Section 49431 of the Education Code, relating to schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 678**—An act to add Section 35182.6 to the Education Code, relating to pupils.

Bill read second time, ordered engrossed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill 720**—An act to amend Section 884 of the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 534**—An act to amend Section 1171.5 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 407**—An act to amend Section 11005 of the Revenue and Taxation Code, relating to local government.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senator Bowen Presiding**

**Senate Bill 59**—An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 64**—An act to amend Sections 790.03 and 791.12 of, and to add Section 1861.17 to, the Insurance Code, relating to homeowners' insurance.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 131**—An act to amend Section 11357 of the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kuehl, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 210**—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to amend Section 1308.6 of the Labor Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to SB 210 proposed by Senator Burton were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 144**—An act to add Section 68511.6 to the Government Code, relating to courts.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 458**—An act to amend Section 945.5 of the Civil Code, relating to construction defects.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 810**—An act to amend Sections 4514.3, 4582.7, and 4582.75 of, and to add Section 4582.71 to, the Public Resources Code, relating to natural resources.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 179**—An act to add Section 2810 to the Labor Code, relating to contracts for labor or services.

Bill read third time and presented by Senator Alarcón.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Alarcón moved a call of the Senate.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 200**—An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

Bill read third time and presented by Senator Murray.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Johnson, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

**Senate Bill 237**—An act to amend Sections 4453.5 and 5753 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Florez.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Knight, Margett, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 353**—An act to amend Section 51335 of, and to add Section 51065.5 to, the Health and Safety Code, relating to housing.

Bill read third time and presented by Senator Ducheny.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett,

McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding**

**Motion to Refer Measure to Inactive File**

Senator Ducheny moved that **SB 492** be placed on the inactive file.

Motion carried.

**Senate Bill 377**—An act to add Section 124586 to the Health and Safety Code, relating to Indian health.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 403**—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Johnson, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 469**—An act to amend Section 60242 of the Education Code, relating to instructional materials.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Battin, Brulte, Knight, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 679**—An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

Bill read third time and presented by Senator Ortiz.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Ortiz moved a call of the Senate.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 92**—An act to add and repeal Article 13 (commencing with Section 18841) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Speier.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Battin, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, and McClintock.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 179)

On motion of Senator Alarcón, further proceedings under the call of the Senate were dispensed with.

#### Roll Call

The names of the absentees were called and SB 179 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 162**—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state government.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 244**—An act to add Section 1255.4 to the Health and Safety Code, relating to health facilities.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 297**—An act to add Section 6217.2 to the Public Resources Code, relating to salmon.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 649**—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of the Public Resources Code, relating to mining.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 419**—An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 438**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette,

Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 439**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, and Oller.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 103**—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Alpert.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 146**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 978**—An act to add Section 5002.25 to the Public Resources Code, relating to parks and recreation.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 494**—An act to amend Section 3283 of the Civil Code, relating to arbitration.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 44**—An act to add and repeal Title 11.7 (commencing with Section 14180) of Part 4 of the Penal Code, relating to crime prevention.

Bill read third time and presented by Senator Denham.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 242**—An act to amend Section 81130.3 of, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, the Education Code, relating to community colleges.

Bill read third time and presented by Senator Knight.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Romero.

Bill ordered transmitted to the Assembly.

**Senate Bill 248**—An act to amend Sections 415, 426, 3001, 3003, 3051, and 3062 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Bowen, Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 446**—An act to amend Section 65040.5 of the Government Code, relating to general plans.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz,

Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 185**—An act to amend Sections 398.4 and 398.5 of the Public Utilities Code, relating to electricity.

Bill read third time and presented by Senator Sher.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

#### **REQUEST FOR UNANIMOUS CONSENT (ACR 62)**

Senator Torlakson asked for, and was granted, unanimous consent that ACR 62 be withdrawn from committee and taken up at this time without reference to file.

#### **Consideration of Assembly Concurrent Resolution 62**

**Assembly Concurrent Resolution 62**—Relative to school health.

Resolution read.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Battin, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

#### **Senator Burton Presiding**

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 262**—An act to amend Section 4458 of the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to, the Health and Safety Code, relating to building standards.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 318**—An act to amend Section 10631 of the Water Code, relating to water.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 460**—An act to add Section 53030 to the Education Code, relating to school finance.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 647**—An act to amend Sections 21108 and 21152 of the Public Resources Code, relating to environmental quality.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 659**—An act to amend Section 739 of the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Soto.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Denham, Hollingsworth, and Knight.

Bill ordered transmitted to the Assembly.

**Senate Bill 719**—An act to amend Sections 32261, 32262, 35183, 35294.10, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 (commencing with Section 32290) to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

Bill read third time and presented by Senator Kuehl.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 774**—An act to amend Sections 4140, 4142, 4145, and 4147 of, to add Sections 4142.2, 4142.4, 4142.6, and 4142.8 to, and to repeal Section 4146 of, the Business and Professions Code, and to amend

Sections 11364 and 11364.5 of the Health and Safety Code, relating to hypodermic needles and syringes.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 777**—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 828**—An act to add Section 1252.5 to the Health and Safety Code, relating to hospitals.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 968**—An act to amend Sections 186.2 and 186.8 of the Penal Code, relating to organized crime.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 568**—An act to amend Sections 25141.2 and 57004 of the Health and Safety Code, relating to environmental protection.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 219**—An act to amend Section 17004.7 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 673**—An act to add Article 11 (commencing with Section 12640.21) to Chapter 2A of Part 6 of Division 2 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 693**—An act to add Section 12803.3 to the Government Code, relating to foster care.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 253**—An act to amend Sections 3540.1, 3544.1, and 3544.7 of the Government Code, relating to public school employees.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 877**—An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hollingsworth.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 671**—An act to amend Sections 13570 and 13651 of the Business and Professions Code, relating to motor vehicle fuel.

Bill read third time and presented by Senator Florez.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Vasconcellos moved that **SB 793** be placed on the inactive file.

Motion carried.

#### CONSENT CALENDAR

**Senate Bill 738**—An act to amend Section 19406 of the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 348**—An act to amend Section 12302 of the Elections Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1073**—An act to repeal Section 69.8 of the Harbors and Navigation Code, relating to natural resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 615**—An act to repeal Section 75.30 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1063**—An act to amend Sections 1614, 3692, 3698.5, 3698.7, 4112, 4675, and 5104 of, to add Sections 3794.3 and 4672.3 to, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 19**—Relative to World Languages and Cultures Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 22**—Relative to Asthma Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 27**—Relative to physical education.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 22**—Relative to California Peace Officers' Memorial Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 26**—Relative to National Volunteer Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 70**—Relative to Children's Fitness and Nutrition Week 2003.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 78**—Relative to National Public Works Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 82**—Relative to Osteoporosis Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 88**—Relative to Library Media Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 769**—An act to repeal Sections 12012.25, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 73**—An act to amend Section 431 of, and to add Section 412.5 to, the Military and Veterans Code, relating to the state militia.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 79**—An act to amend Sections 73c, 73d, 90, 116.250, 116.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend Sections 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal Sections 68112, 68112.5, 68114, 68114.5, 68114.6, 68114.9, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69748, 69748.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, Division 8 of, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825, 830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816, 13105, 13352, 13352.3,

13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend Section 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 145**—An act to amend Sections 56505, 56505.1, and 56506 of the Education Code, relating to special education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 182**—An act to amend Sections 7630, 7669, and 8814.5 of the Family Code, and to add Section 1516.5 to the Probate Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 196**—An act to amend Section 13201 of the Water Code, relating to California regional water quality control boards.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 275**—An act to amend Section 33190 of the Education Code, relating to private schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 305**—An act to amend Sections 18021.7, 50530.5, and 50545 of the Health and Safety Code, relating to housing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 316**—An act to amend Section 11165.7 of the Penal Code, relating to mandated reporters.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 370**—An act to add Section 14133.45 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 378**—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 509**—An act to amend Section 14528.5 of the Government Code, relating to transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 552**—An act to amend Section 14666.6 of the Government Code, relating to state property.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 604**—An act to amend Sections 81008, 84101, 84103, 84108, 84203, 84204, and 84502 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 618**—An act to add Section 1668.1 to the Insurance Code, relating to unfair acts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 637**—An act to amend Section 38025 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 690**—An act to amend Section 19605.52 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 909**—An act to amend Section 10753.7 of the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 930**—An act to amend Section 12012.85 of the Government Code, relating to gaming.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1024**—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 7227, 7422, 7672, 7772, 10411, 11020, 13113, and 14242 of the Elections Code, to amend Section

26802 of the Government Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 328**—An act to amend Sections 70303, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, and 76000 of the Government Code, relating to court facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 399**—An act to amend Sections 6401 and 6402 of the Family Code, relating to foreign protection orders.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 180**—An act to amend Section 18803 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 255**—An act to add Section 12077.5 to the Penal Code, relating to firearms.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 966**—An act to add Section 1781 to the Labor Code, relating to prevailing wages.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 574**—An act to amend Section 22790 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 496**—An act to add Chapter 8.6 (commencing with Section 13879.80) to Title 6 of Part 4 of the Penal Code, relating to drug endangered children.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 851**—An act to amend Section 917 of the Evidence Code, to amend Sections 629.62, 633, 803, 830.31, 847, 1170.011, 1202.1, 1203.1abc, 1203.3, 11171, 12022.5, 14309 of the Penal Code, to amend

Section 14601 of the Vehicle Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 679)**

On motion of Senator Ortiz, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 679 was passed by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

May 8, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 720—Aye                      SB 44—Aye                      SB 446—Aye  
SB 185—Aye                      SB 219—Aye

JOHN L BURTON, President pro Tempore

May 8, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 237—Aye                      SB 671—Aye

JAMES L BRULTE, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to a death in the family: Senator Dunn.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 11:10 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, May 12, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 8, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 1069

Above measure ordered enrolled.

Assembly Chamber, May 8, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

- |        |         |         |         |
|--------|---------|---------|---------|
| AB 16  | AB 394  | AB 1051 | AB 1679 |
| AB 25  | AB 506  | AB 1064 | AB 1727 |
| AB 51  | AB 529  | AB 1132 | AB 1780 |
| AB 104 | AB 567  | AB 1168 | AB 1781 |
| AB 199 | AB 577  | AB 1172 | AB 32   |
| AB 287 | AB 605  | AB 1302 | AB 179  |
| AB 290 | AB 625  | AB 1303 | AB 197  |
| AB 304 | AB 643  | AB 1414 | AB 351  |
| AB 315 | AB 788  | AB 1489 | AB 352  |
| AB 330 | AB 944  | AB 1495 | AB 355  |
| AB 365 | AB 967  | AB 1548 | AB 387  |
| AB 366 | AB 1031 | AB 1578 | AB 419  |
| AB 380 | AB 1042 | AB 1642 | AB 479  |
| AB 388 | AB 1044 | AB 1657 | AB 541  |

AB 542	AB 936	AB 1085	AB 1455
AB 610	AB 969	AB 1098	AB 1496
AB 615	AB 970	AB 1099	AB 1515
AB 617	AB 987	AB 1116	AB 1556
AB 635	AB 1034	AB 1153	AB 1675
AB 738	AB 1045	AB 1157	AB 1701
AB 794	AB 1069	AB 1166	AB 1716
AB 862	AB 1075	AB 1254	AB 1717
AB 867	AB 1080	AB 1379	AB 1729
AB 883	AB 1081	AB 1420	

Assembly Chamber, May 8, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 51

ACR 54

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 16**—An act to amend Section 30262 of the Public Resources Code, relating to oil and gas.

**Assembly Bill 25**—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

**Assembly Bill 51**—An act to add Section 65302.4 to the Government Code, relating to land use planning.

**Assembly Bill 104**—An act to add Section 1365.2 of the Civil Code, relating to common interest developments.

**Assembly Bill 199**—An act to add Chapter 7 (commencing with Section 99560) to Part 11 of Division 10 of the Public Utilities Code, relating to transit employer-employee relations.

**Assembly Bill 287**—An act to amend Section 15372.61 of the Government Code, relating to tourism.

**Assembly Bill 290**—An act to amend Sections 35031, 44951, 45117, 72411, and 88017 of the Education Code, relating to education.

**Assembly Bill 304**—An act to add Section 53534 to the Health and Safety Code, relating to housing.

**Assembly Bill 315**—An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

**Assembly Bill 330**—An act to amend Section 512 of the Labor Code, relating to employment.

**Assembly Bill 365**—An act to amend Section 1810.5 of the Vehicle Code, relating to Department of Motor Vehicle records.

**Assembly Bill 366**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 380**—An act to add Section 5855.7 to the Welfare and Institutions Code, relating to mental health.

**Assembly Bill 388**—An act to add Section 19610.8 to the Business and Professions Code, relating to horse racing.

**Assembly Bill 394**—An act to amend Sections 26738 and 26746 of, and to add Section 26723 to, the Government Code, relating to law enforcement fees.

**Assembly Bill 506**—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

**Assembly Bill 529**—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

**Assembly Bill 567**—An act to amend Sections 17538.4 and 17538.45 of the Business and Professions Code, relating to advertising.

**Assembly Bill 577**—An act to amend Section 19056 of, to add Sections 18941 and 19053 to, and to repeal Section 19056.5 of, the Government Code, relating to civil service.

**Assembly Bill 605**—An act to amend Sections 1, 5, and 7 of Chapter 489 of the Statutes of 2001, relating to lands granted in trust to the City and County of San Francisco.

**Assembly Bill 625**—An act to add Section 22658.3 to the Vehicle Code, relating to vehicles.

**Assembly Bill 643**—An act to amend Sections 140 and 141 of the Labor Code, relating to occupational safety and health standards.

**Assembly Bill 788**—An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

**Assembly Bill 944**—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add

Sections 65565 and 65571 to, the Government Code, relating to local planning.

**Assembly Bill 967**—An act to amend Sections 17731, 17733, 19136, 23800, 23800.5, 23801, 23802, 23802.5, 23803, 23804, 23809, and 23811 of, and to repeal Section 23804.5 of, the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1031**—An act to amend Sections 25212, 25230, 25232, 25241, 25247, 25540, 25541, and 25612.5 of, and to add Sections 25256 and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

**Assembly Bill 1042**—An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

**Assembly Bill 1044**—An act to amend Sections 11106 and 12051 of the Penal Code, relating to licenses to carry firearms.

**Assembly Bill 1051**—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

**Assembly Bill 1064**—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

**Assembly Bill 1132**—An act to amend Section 2664 of the Labor Code, relating to employment.

**Assembly Bill 1168**—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

**Assembly Bill 1172**—An act to add Section 6529 to the Government Code, relating to joint powers agreements.

**Assembly Bill 1302**—An act to add Section 1808.11 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1303**—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1414**—An act to amend Section 337i of the Penal Code, relating to gaming.

**Assembly Bill 1489**—An act to amend Section 19549 of the Business and Professions Code, relating to horse racing.

**Assembly Bill 1495**—An act to amend Section 3003 of the Penal Code, relating to parole placement.

**Assembly Bill 1548**—An act to add and repeal Article 10 (commencing with Section 18812) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1578**—An act to add Section 1871.4 to the Insurance Code, relating to workers' compensation insurance.

**Assembly Bill 1642**—An act to repeal and add Article 10 (commencing with Section 15372.200) of Chapter 2.2 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to tourism.

**Assembly Bill 1657**—An act to add Section 25602.6 to the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1679**—An act to amend Sections 13, 302, 1303, 2187, 2194, 3103, 3304, 4101, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of the Elections Code, relating to elections.

**Assembly Bill 1727**—An act to amend Sections 2071, 2074.7, 2074.8, 5093, and 6010 of, and to add Section 677.4 to, the Insurance Code, relating to property insurance.

**Assembly Bill 1780**—An act to amend and renumber Section 19835.6 of the Business and Professions Code, relating to gaming.

**Assembly Bill 1781**—An act to add Section 23021.5 to the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 32**—An act to add and repeal Section 50517.15 of the Health and Safety Code, relating to housing.

**Assembly Bill 179**—An act to amend Sections 130120 and 130150 of the Health and Safety Code, relating to child development.

**Assembly Bill 197**—An act to amend Section 12419.10 of the Government Code, relating to offset payments.

**Assembly Bill 351**—An act to add Section 5089 to the Vehicle Code, relating to vehicles.

**Assembly Bill 352**—An act to amend, repeal, and add Section 1203.097 of the Penal Code, relating to domestic violence.

**Assembly Bill 355**—An act to amend Section 871 of the Welfare and Institutions Code, relating to minors.

**Assembly Bill 387**—An act to amend Section 25503.5 of the Health and Safety Code, relating to hazardous materials.

**Assembly Bill 419**—An act to amend Sections 22200, 22224, and 22225 of, and to add Section 22227 to, the Education Code, to amend Sections 82023, 82024, and 90001 of, and to add Section 84225.5 to, the Government Code, and to amend Section 4 of Chapter 1049 of the Statutes

of 2002, relating to the Teachers' Retirement Board, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 479**—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

**Assembly Bill 541**—An act to add Section 5087 to the Vehicle Code, relating to vehicles.

**Assembly Bill 542**—An act to amend Section 1563 of the Code of Civil Procedure, relating to escheat.

**Assembly Bill 610**—An act to amend Section 17592.5 of the Education Code, relating to public schools.

**Assembly Bill 615**—An act to amend Section 33590 of the Education Code, relating to special education.

**Assembly Bill 617**—An act to amend Section 8880.28 of the Government Code, relating to the California State Lottery.

**Assembly Bill 635**—An act to amend Section 6930 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

**Assembly Bill 738**—An act to amend Sections 5241, 17702, and 17704 of, and to add Section 17701 to, the Family Code, relating to child support.

**Assembly Bill 794**—An act to add Section 12969 to the Insurance Code, relating to the Department of Insurance.

**Assembly Bill 862**—An act to add Section 11045 to the Government Code, relating to state contracts.

**Assembly Bill 867**—An act to amend Sections 29093, 29109, 53895, and 53895.5 of the Government Code, relating to financial reports.

**Assembly Bill 883**—An act to repeal and amend Section 132.5 of the Penal Code, relating to witnesses.

**Assembly Bill 936**—An act to add Section 208.1 to the Penal Code, relating to baby stalking.

**Assembly Bill 969**—An act to add and repeal Chapter 2.1 (commencing with Section 15372.10) of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development.

**Assembly Bill 970**—An act to amend Section 9882 of the Business and Professions Code, relating to automotive repair.

**Assembly Bill 987**—An act to add Section 5071.2 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1034**—An act to amend Section 54988 of the Government Code, and to amend Sections 17958.8, 17980, 17980.1, 17980.8, 17991, and 17992 of, and to add Sections 17960.10 and 17980.10 to, the Health and Safety Code, relating to housing.

**Assembly Bill 1045**—An act to amend Section 114260, relating to mobile food facilities.

**Assembly Bill 1069**—An act to amend Sections 27541, 27551, and 27553 of, and to add Sections 27503.5, 27519.5, 27680, 27681, 27682, 27683, 27684, 27685, 27686, 27687, 27688, 27689, and 27690 to, the Food and Agricultural Code, relating to eggs.

**Assembly Bill 1075**—An act relating to nursery stock.

**Assembly Bill 1080**—An act to amend Section 52482 of, and to add Section 52489 to, the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1081**—An act to amend Section 1043 Evidence Code, and to amend Section 832.5 of Penal Code, relating to peace officers.

**Assembly Bill 1085**—An act to amend Section 6032 of the Food and Agricultural Code, relating to pests.

**Assembly Bill 1098**—An act to amend Section 290.85 of the Penal Code, relating to sex offenders.

**Assembly Bill 1099**—An act to amend Sections 1877.1 and 1877.3 of the Insurance Code, relating to insurance fraud.

**Assembly Bill 1116**—An act to add Section 5101.10 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1153**—An act to amend Section 538e of, and to add Section 538g to, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1157**—An act to amend Section 455.2 of the Public Utilities Code, relating to public utilities.

**Assembly Bill 1166**—An act to amend Sections 1507.3, 1569.73, and 1569.74 of the Health and Safety Code, relating to care facilities.

**Assembly Bill 1254**—An act to amend Sections 830.1 and 832 of the Penal Code, relating to peace officers.

**Assembly Bill 1379**—An act to amend Section 2890.2 of the Public Utilities Code, and to amend Section 1 of Chapter 286 of the Statutes of 2002, relating to telecommunications.

**Assembly Bill 1420**—An act to amend Sections 3033, 4181, 12000, 12002.2, and 12155.5 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

**Assembly Bill 1455**—An act to amend Sections 417.2 and 12001 of the Penal Code, relating to imitation firearms.

**Assembly Bill 1496**—An act to amend Section 1374.34 of the Health and Safety Code, relating to health care.

**Assembly Bill 1515**—An act to amend Section 1547 of the Penal Code, relating to rewards, and making an appropriation therefor.

**Assembly Bill 1556**—An act to add Sections 13551 and 13552 to the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1675**—An act to amend Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

**Assembly Bill 1701**—An act to amend Section 25360.2 of the Health and Safety Code, relating to hazardous substance releases.

**Assembly Bill 1716**—An act to amend Section 17605 of the Welfare and Institutions Code, relating to human services.

**Assembly Bill 1717**—An act to amend Sections 8879.1, 14524.2, and 65082 of, to add Section 14524.1 to, and to repeal Sections 8879.17, 14051, 14524.15, 14524.16, and 14525.5 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102105 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 302, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

**Assembly Bill 1729**—An act to amend Section 985 of the Insurance Code, relating to insolvency.

**Assembly Concurrent Resolution 51**—Relative to Postpartum Mood and Anxiety Disorder Awareness Month.

**Assembly Concurrent Resolution 54**—Relative to the Screaming Eagles Highway.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, May 7, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Ms. Ta-Lecia A. Arbor of Los Angeles as a member of the Baldwin Hills Conservancy Governing Board to serve for a term ending May 7, 2005.

Appointed the following persons as members of the California Coastal Commission: Mr. Pedro Nava (public member) of Santa Barbara and Ms. Sara Wan (public member) of Malibu; Mayor Toni Iseman (local government/South Coast Region) of Laguna Beach; and Supervisor

Michael Reilly (local government/North Central Coast Region). Mr. Nava and Mayor Iseman will serve for terms ending May 20, 2005, and Ms. Wan and Supervisor Reilly will serve for terms ending May 20, 2007.

Reappointed Ms. Karen Gotelli of San Carlos as a member of the Court Reporters Board to serve for a term ending June 1, 2007.

Appointed Ms. Alana L. Bowman of Marina Del Rey and Ms. Alva A. Moreno of Los Angeles as members of the Domestic Violence Program Advisory Council to serve at the pleasure of the Rules Committee.

BURTON, Chair

State Capitol, May 7, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 248, AB 317, AB 347.

**Banking, Commerce and International Trade**—AB 313.

**Business and Professions**—AB 116, AB 123, AB 186, AB 202, AB 282, AB 341.

**Education**—AB 61, AB 97, AB 1411.

**Elections and Reapportionment**—AB 190, AB 346, AB 461, AB 1501, AB 1689.

**Energy, Utilities and Communications**—SCR 30; AB 583, AB 1457, AB 1733.

**Governmental Organization**—AB 79, AB 667, AB 675, AB 702, AB 853, AB 965.

**Insurance**—AB 1005.

**Judiciary**—AB 44, AB 196, AB 213, AB 286, AB 308, AB 326, AB 353, AB 416, AB 447, AB 478, AB 647, AB 656, AB 690, AB 693, AB 790, AB 805, AB 1384, AB 1710.

**Labor and Industrial Relations**—AB 98, AB 149, AB 324.

**Local Government**—AB 474, AB 520, AB 1117, AB 1125, AB 1228.

**Natural Resources and Wildlife**—AB 142, AB 504.

**Public Employment and Retirement**—AB 55, AB 268, AB 697.

**Public Safety**—AB 99, AB 161, AB 172, AB 207, AB 283, AB 354, AB 383, AB 580, AB 709.

**Revenue and Taxation**—AB 137, AB 322.

**Rules**—AB 249.

**Transportation**—AB 117, AB 299, AB 301, AB 582, AB 812, ACR 38.

The Committee on Rules has referred the following measures to two committees:

**Education and Health and Human Services**—AB 195, AB 1124.

**Education and Labor and Industrial Relations**—AB 109.

**Judiciary and Health and Human Services**—AB 579.

**Judiciary and Labor and Industrial Relations**—AB 76.

**Judiciary and Public Safety**—AB 118.

**Local Government and Judiciary**—AB 839.

The Committee on Rules has re-referred the following measure to committee:

**Environmental Quality**—SB 20.

**Committee on Agriculture and Water Resources**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 750

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Rules**

State Capitol, May 7, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Richard W. Atwater, Member, California Water Commission (5-0)

Ane D. Deister, Member, California Water Commission (5-0)

Rachel M. Dinno, Member California Water Commission (5-0)

Daniel M. Dooley, Member, California Water Commission (5-0)

John L. Geesman, Member, State Energy Resources Conservation and Development Commission (5-0)

Martha G. Guzman, Member, California Water Commission (5-0)

Jeremiah F. Hallisey, Member, California Transportation Commission (5-0)

William J. Lyons, Jr., Member, California Water Commission (5-0)

Joseph Tavaglione, Member, California Transportation Commission (5-0)

Esteban E. Torres, Member, California Transportation Commission (5-0)

Michael G. Yarborough, Warden, California State Prison, Los Angeles (5-0)

Walter L. Yep, Member, California Water Commission (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Public Safety**

Date of Hearing, May 8, 2003

Mr. President: The Committee on Public Safety, to which was referred: SB 425

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Banking, Commerce and International Trade**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

SB 735

Reports the same back with the recommendation: Do pass.

FLOREZ, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which were referred: SB 489 SB 599

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measures ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which were referred: SB 435 SB 824

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measures ordered to second reading.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which were referred: SB 238 SB 434

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measures ordered to second reading.

**Committee on Agriculture and Water Resources**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 533

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 8, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 13

SB 117

SB 163

SB 197

SB 208

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 13**—An act to amend Sections 114710, 114990, and 115060 of, to add Section 25203.5 to, and to add Chapter 10 (commencing with Section 115300) to Part 9 of Division 104 of, the Health and Safety Code, and to add Section 43022.5 to the Public Resources Code, relating to radiation.

Bill read second time.

**Senate Bill 117**—An act to add Part 4.9 (commencing with Section 12400) to Division 6 of the Water Code, relating to water, and making an appropriation therefor.

Bill read second time.

**Senate Bill 163**—An act to add Sections 31000.10 and 37103.1 to the Government Code, relating to personal services contracting.

Bill read second time.

**Senate Bill 197**—An act to add Section 559 to the Labor Code, relating to hours and wages.

Bill read second time.



Date of Hearing, May 7, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SCR 14

Reports the same back with the recommendation: Be adopted as amended and be placed on the Consent Calendar.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 1076

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ORTIZ, Chair

Above measure ordered to second reading.

#### **Committee on Natural Resources and Wildlife**

Date of Hearing, April 30, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 619

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

KUEHL, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, May 8, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1022

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1022**—An act to add Title 2.97 (commencing with Section 1812.700) to Part 4 of Division 3 of the Civil Code, relating to debt collection.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 798

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 850

Reports the same back with the recommendation: Do pass.

SPEIER, Chair

Above bill ordered to second reading.

**Committee on Banking, Commerce and International Trade**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

SB 901

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FLOREZ, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 548

SB 614

SB 1009

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measures ordered to second reading.

**Committee on Local Government**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Local Government, to which was referred:

SB 898

Reports the same back with the recommendation: Do pass as amended.  
TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 663

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

CEDILLO, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Public Safety, to which was referred:  
SB 602

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SB 1034

Reports the same back with the recommendation: Do pass as amended.  
ESCUTIA, Chair

Above measure ordered to second reading.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 504** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Joint Resolution 18:** By Senator Perata (Principal coauthor: Assembly Member Koretz) (Coauthor: Senator Scott)—Relative to firearms.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Banking, Commerce and International Trade**

**SB 735**—Do pass

AYES (6)—Senators Denham, Ducheny, Florez, Hollingsworth, McClintock, and Murray.

NOES (0)—None.

**SB 901**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Denham, Ducheny, Florez, McClintock, and Ortiz.

NOES (0)—None.

Date of Hearing: 5/7/03

Florez (Chair)

**Committee on Education**

**SB 821**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (7)—Senators Alarcón, Alpert, Karnette, Romero, Scott, Vasconcellos, and Vincent.

NOES (1)—Senator McPherson.

Date of Hearing: 5/8/03

Vasconcellos (Chair)

**Committee on Health and Human Services**

**SB 2**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 201**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, and Vincent.

NOES (1)—Senator Aanestad.

**SB 215**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 295**—Do pass

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 398**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**SB 464**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (0)—None.

**SB 875**—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

**SB 921**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 932**—Do pass as amended

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 1076**—Do pass, to Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SB 1081**—Do pass as amended and re-refer to Committee on Appropriations., with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SCR 14**—Do pass as amended, to Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**SJR 10**—Do pass

AYES (11)—Senators Aanestad, Alarcón, Battin, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Ashburn.

Date of Hearing: 5/7/03

Ortiz (Chair)

#### **Committee on Insurance**

**SB 551**—Do pass as amended

AYES (5)—Senators Figueroa, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Johnson and Morrow.

**SB 620**—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Escutia, Figueroa, Perata, Scott, and Soto.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 691—Do pass as amended**

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**SB 798—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (9)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 841—Do pass as amended**

AYES (8)—Senators Escutia, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**SB 850—Do pass**

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

Date of Hearing: 5/7/03

Speier (Chair)

**Committee on Public Safety**

**SB 425—Do pass and re-refer to Committee on Appropriations**

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**SB 848—Do pass and re-refer to Committee on Appropriations**

AYES (1)—Senator Romero.

NOES (2)—Senators Margett and McPherson.

Failed Passage

**SB 848—Reconsideration granted**

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**SB 929—Do pass as amended**

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 5/8/03

McPherson (Chair)

**Committee on Revenue and Taxation**

**SB 548—Do pass as amended and re-refer to Committee on Appropriations**

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

**SB 614—Do pass as amended and re-refer to Committee on Appropriations**

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (0)—None.

**SB 663**—Do pass as amended and re-refer to Committee on Judiciary  
AYES (6)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, and  
Poochigian.

NOES (0)—None.

**SB 1009**—Do pass as amended and re-refer to Committee on  
Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (1)—Senator Ashburn.

Date of Hearing: 5/7/03

Cedillo (Chair)

#### **Committee on Rules**

**SB 589**—Do pass as amended

AYES (5)—Senators Burton, Johnson, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 5/7/03

Burton (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senators Ackerman and Burton requested that when the Senate adjourns this day it do so in memory of Jerry Morgan, father-in-law of Senator Dunn.

Senator Burton requested that when the Senate adjourns this day it do so in memory of David B. Clark of San Francisco.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Ana Bertha Cardona and her daughter Diana of Imperial Beach.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Eddie Meram of El Cajon.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Zachary Weaver of Linden.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Kelly Scot Moore of Carmichael.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Elliott Shane of San Mateo and Grace Isabel Hansen of San Leandro.

May 8, 2003

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**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, May 12, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTIETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, May 12, 2003

The Senate met at 10 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Dunn will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

A reading from the Book of Tobit. Do to no one what you yourself dislike. Give to the hungry some of your bread, and to the naked some of your clothing. Seek counsel from every wise person. At all times bless the Lord God, and ask God to make all your paths straight and to grant success to all your endeavors and plans. Let this be our prayer.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Romero led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
May 12, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Patrick J. Dorais, former deputy chief, Bureau of Automotive Repair, Department of Consumer Affairs. Appointed 4/1/03. Effective 4/9/03: Chief Bureau of Automotive Repair, Department of Consumer Affairs vice Douglas E. Laue, retired, term ending at the pleasure of the Governor.

Melinda F. Guzman-Moore, attorney. Appointed 4/10/03. Effective 5/2/03:

Member, Board of Governors of the California Community Colleges vice Melba Muscarolas, resigned, term ending 1/15/09.

Fahari Jeffers, Secretary-Treasurer, General Counsel, and co-founder of United Domestic Workers of America. Appointed 4/10/03. Effective 5/2/03:

Member, Board of Governors of the California Community Colleges vice Robert L. Moore, resigned, term ending 1/15/06.

Ronald W. Wong, chairman, marketing, communications and design firm. Appointed 4/10/03. Effective 4/29/03:

Member, Board of Governors of the California Community Colleges vice John Wesley Rice, Jr., deceased, term ending 1/15/09.

Theresa A. Schwartz, former Chief Deputy Warden, Pelican Bay State Prison. Appointed 4/8/03. Effective 4/11/03:

Warden, California Medical Facility, Department of Corrections vice Ana Maria Ramirez-Palmer, resigned, term ending at the pleasure of the Director of Corrections.

Luis J. Rodriguez, Deputy Public Defender, Los Angeles. Appointed 4/16/03. Effective 4/25/03:

Member, State Board of Education vice Susan Hammer, resigned, term ending 1/15/07.

James Sandoval, Vice Chancellor of Student Affairs, University of California, Riverside. Appointed 4/14/03. Effective 4/28/03:

Member, Student Aid Commission vice Joseph W. Watson, Ph.D., term expired, term ending 10/30/05.

Jimmie Yee, Sacramento Council Member. Appointed 4/9/03. Effective 4/16/03:

Member of the Seismic Safety Commission vice Patricia A. Snyder, term expired, term ending 5/15/05.

Nancy H. Sutley, former Deputy Secretary, Policy and Intergovernmental Relations, California Environmental Protection Agency. Appointed 5/6/03. Effective 5/6/03:

Member, State Water Resources Control Board vice Mary Jane Forster, term expired, term ending 1/15/2005.

Matthew R. McKinnon, former member, Air Resources Board. Appointed 5/1/03. Effective 5/1/03:

Deputy Undersecretary, Employment and Workforce Development, Labor and Workforce Development Agency, newly created, 2002 Legislation, term ending at the pleasure of the Secretary of the Workforce Development.

Above appointments referred to the Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 8, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 69            ACR 93            ACR 94            ACR 100

Assembly Chamber, May 8, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 84

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 69**—Relative to the San Jose State University Processed Food Institute.

**Assembly Concurrent Resolution 93**—Relative to American Stroke Month.

**Assembly Concurrent Resolution 94**—Relative to Older Americans Month.

**Assembly Concurrent Resolution 100**—Relative to California Senior Mobility Awareness Week.

**Assembly Bill 84**—An act to amend Section 421 of the Public Utilities Code, relating to public utilities.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 29

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 29**—Relative to Bob Hope's 100th birthday.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 44

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 44**—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating

to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 156                      SB 734                      SB 902

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 272

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 272**—An act to add Section 87835 to the Education Code, relating to community college faculty.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, May 9, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 556

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 122

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ES CUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 122**—An act to add Section 17204.6 to the Business and Professions Code, relating to unfair competition.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 749

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ES CUTIA, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, May 8, 2003

Mr. President: The Committee on Public Safety, to which was referred:

SB 929

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 269

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 269**—An act to amend Section 20150 of the Government Code, relating to public employees' retirement.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 269 pursuant to Joint Rule 58.

SENATOR SOTO

**Permission of Rules Committee**

Senate Chamber, May 12, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 269.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, May 9, 2003

Mr. President: The Committee on Rules has examined:

SB 1069

And reports that the same has been correctly enrolled, and presented to the Governor on the 9th day of May, 2003, at 1 p.m.

BURTON, Chair

**Committee on Judiciary**

Date of Hearing, April 22, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 134

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Transportation, to which was referred:

SB 314

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 228

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 228**—An act to amend Sections 62.5, 4603.2, and 5402 of, to add Section 3823 to, to repeal Sections 5307.2 and 5307.21 of, and to

repeal and add Section 5307.1 of, the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Transportation**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SCR 17

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

#### **Committee on Environmental Quality**

Senate Chamber, May 12, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 204

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 204**—An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 750**—An act to add Division 26.7 (commencing with Section 79600) to the Water Code, relating to financing a safe drinking water, water quality, flood protection, and water supply reliability program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 210**—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to amend Section 1308.6 of the Labor Code, relating to minors.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 735**—An act to amend and repeal Sections 307, 5211, 7211, and 9211 of the Corporations Code, relating to corporations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 489**—An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 599**—An act to add Section 851.90 to, and to add Chapter 2.6 (commencing with Section 1000.9) to Title 6 of Part 2 of, the Penal Code, relating to drug diversion.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 435**—An act to amend Section 12054 of the Penal Code, relating to concealed firearms.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Senate Bill 824**—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 238**—An act to amend Sections 666.7, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 434**—An act to amend Sections 25530, 25531, 25533, 25533.5, 25535, 25536, 29540, 29541, 29544, and 29545 of the Corporations Code, to amend Sections 11180.5, 11181, 11183, 11184,

11185, 11186, 11187, and 11188 of the Government Code, and to add Section 131 to the Penal Code, relating to investigations.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 533**—An act to add Sections 2288 and 12841.2 to the Food and Agricultural Code, and to amend Section 54985 of the Government Code, relating to pesticides.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Senate Bill 295**—An act to amend Section 11362.9 of the Health and Safety Code, relating to controlled substances.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1081**—An act to amend Sections 1603.1, 1603.2, 1603.3, and 1603.4 of the Health and Safety Code, relating to human blood.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 464**—An act to amend Section 2662 of the Probate Code, and to amend Sections 361 and 726 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Concurrent Resolution 14**—Relative to arthritis awareness.

Resolution read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 1076**—An act to amend Section 1771.7 of the Health and Safety Code, relating to care facilities.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of the Government Code, to amend Sections 50650.3, 50650.4,

and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 850**—An act to amend Section 12957 of the Insurance Code, relating to the Insurance Commissioner.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 548**—An act to amend Section 15626 of the Government Code, and to amend Sections 6564, 19048, 19334, and 19346 of the Revenue and Taxation Code, relating to tax administration.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 614**—An act to amend Sections 18648, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Sections 17224.7, 18407, and 24344.7 to, and to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1009**—An act to amend Section 6487 of, and to add and repeal Sections 6452.1, 6487.3, and 18510 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 898**—An act to add and repeal Sections 65852.13 and 66474.5 of the Government Code, relating to land conservation.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 663**—An act to amend Sections 2612 and 3704.7 of, and to add Section 2612.4 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 602**—An act to amend Sections 1785.11.1, 1785.11.2, and 1785.14 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend Sections 530.5, 530.6, 530.8, and 1191.10 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1034**—An act to add Title 10 (commencing with Section 2500) to Part 4 of Division 3 of the Civil Code, relating to contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution 12**—Relative to the Joint Committee to Develop a Master Plan to End Poverty in California.

Resolution read third time and presented by Senator Alarcón.

#### Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Pochigian.

Resolution ordered transmitted to the Assembly.

**Senate Bill 158**—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Alarcón moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 385**—An act to amend Section 987.88 of the Military and Veterans Code, relating to veterans.

Bill read third time and presented by Senator Morrow.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (2)—Senators Aanestad and Brulte.

Bill ordered transmitted to the Assembly.

**Senate Bill 416**—An act to amend Section 13352.5 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 582**—An act to add Article 4.5 (commencing with Section 110423.100) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 158)**

On motion of Senator Alarcón, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 158 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 413**—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Motion to Refer Bill to Inactive File**

Senator Sher moved that **SB 218** be placed on the inactive file.

**Senate Bill 639**—An act to amend Sections 65891.8 and 65891.12 of the Government Code, relating to housing.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Romero Presiding**

**Senate Bill 732**—An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and Knight.

Bill ordered transmitted to the Assembly.

**Senate Bill 128**—An act to add Article 6 (commencing with Section 2899) to Chapter 10 of Part 2 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 300**—An act to add Section 2912.5 to the Penal Code, relating to foreign prisoners.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 311**—An act to amend Section 116365 of the Health and Safety Code, relating to environmental health.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 945**—An act to amend Sections 21083, 21084.2, and 21086 of, and to repeal Section 21087 of, the Public Resources Code, relating to environmental quality.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (7)—Senators Aanestad, Ashburn, Brulte, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 508**—An act to add Section 2984.5 to the Civil Code, relating to automobile sales financing.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 590**—An act to add Title 1.4C (commencing with Section 1749.70) to Part 4 of Division 3 of the Civil Code, relating to personal information.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 93**—An act to amend Sections 25350, 25350.60, and 25537 of the Government Code, relating to county real property.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 938**—An act to amend Sections 36522 and 36523 of, and to repeal Section 36523.5 of, the Streets and Highways Code, relating to improvement areas.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Ackerman, Alarcón, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ashburn, Brulte, Johnson, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 129**—An act to amend Section 77202 of the Government Code, relating to trial courts.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 65**—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 678**—An act to add Section 35182.6 to the Education Code, relating to pupils.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### **UNFINISHED BUSINESS**

##### **Consideration of Appointments by the Governor**

##### **Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Jeremiah F. Hallisey, Member, California Transportation Commission be taken up separately.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 15:

SB 856            SB 338            SB 735            SB 435

#### **CONSENT CALENDAR**

##### **Objection Raised**

Senator Hollingsworth objected to **SB 983** being on the Consent Calendar.

The President ordered the above measure placed on the third reading file.

**Senate Bill 812**—An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 813**—An act to add Section 19605.74 to the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 814**—An act to amend Sections 19801, 19962, and 19963 of the Business and Professions Code, relating to gambling.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 25**—Relative to “Hire a Veteran Month.”

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 26**—Relative to California Nurses Day and California Nurses Week.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 651**—An act to amend Section 52335.2 of the Education Code, relating to school finance.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 674**—An act to amend Section 37700 of the Education Code, relating to schooldays.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 70**—An act to amend Section 8483.55 of the Education Code, relating to education, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 168**—An act to amend Sections 25401.2, 25519, 25523, 25525, and 25620.5 of, and to amend and renumber Section 25620.10 of, the Public Resources Code, and to amend Section 445 of, and to repeal Division 4.7 (commencing with Section 9201) of, the Public Utilities Code, relating to energy.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 443**—An act to amend Section 7028 of the Business and Professions Code relating to contractors.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 605**—An act to add Section 8592.6 to the Government Code, relating to public safety.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 611**—An act to amend Section 99200 of the Education Code, relating to instructional strategies.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 642**—An act to amend Section 485 of the Food and Agricultural Code, relating to quarantines.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 666**—An act to add Section 53121 to the Government Code, relating to telecommunications.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 748**—An act to add and repeal Chapter 11 (commencing with Section 1500) of Division 6 of the Military and Veterans Code, relating to veterans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 763**—An act to amend Section 17217 of the Education Code, relating to schoolsite acquisition.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 834**—An act to add Section 709.9 to the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 871**—An act to amend Section 39152 of the Health and Safety Code, relating to air quality.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 873**—An act to amend Section 11105.3 of the Penal Code, and to amend Section 828 of, and to repeal Sections 204 and 725.1 of, the Welfare and Institutions Code, relating to criminal history.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 874**—An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 919**—An act to amend Sections 241 and 243 of the Penal Code, relating to crime.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 965**—An act to amend Section 1011 of the Military and Veterans Code, relating to veterans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1059**—An act to amend Section 6105 of the Commercial Code, and to amend Sections 72, 194, 220.5, 531.8, and 533 of, and to add Section 256.6 to, the Revenue and Taxation Code, relating to property taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1061**—An act to amend Sections 23041 and 25111 of, and to add Sections 18405.1, 25113, and 25116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1065**—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1068**—An act to amend Section 12463 of the Government Code, relating to the Controller.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Joint Resolution 6**—Relative to emergency services.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 259**—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 306**—An act to amend Sections 18214, 50781, and 50786 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 308**—An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 521**—An act to amend Sections 309.5 and 1802 of, and to add Section 1802.3 to, the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 623**—An act to amend Section 2081.7 of the Fish and Game Code, relating to endangered species.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 570**—An act to amend Section 830.1 of the Penal Code, relating to county employees.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 684**—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1071**—An act to add Section 2403 to the Business and Professions Code, relating to medicine.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (39)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**REQUEST TO BE ADDED TO ROLL CALL**

May 12, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 128—Aye                      SB 300—Aye                      SB 93—Aye  
JOHN L BURTON, President pro Tempore

May 12, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

SB 732—Aye  
JAMES L BRULTE, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to a death in the family: Senator Dunn.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 11:25 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, May 13, 2003.

Motion carried.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 1005** and **SB 177** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

**SB 663** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

**SB 1038** and **SB 1039** were withdrawn from the Committee on Budget and Fiscal Review and re-referred to the Committee on Education.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 624**—An act to amend Section 19826 of, and to repeal Sections 19827.2, 19994.20, and 19996.40 of, the Government Code, relating to state personnel administration.

Bill read third time.

**Amendments Adopted**

Amendments to SB 624 proposed by Senator Soto were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 409**—An act to amend, repeal, and add Section 17070.75 of, and to add and repeal Section 33129.5 of, the Education Code, relating to school finance, and making an appropriation therefor.

Bill read third time.

**Amendments Adopted**

Amendments to SB 409 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed, engrossed, and to second reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Senate Chamber, May 12, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SB 88            SB 354            SB 544            SB 796

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

**Senate Bill 354**—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, and to amend Section 139.3 of, and to add Section 4600.2 to, the Labor Code, relating to workers’ compensation insurance.

Bill read second time.

**Senate Bill 544**—An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

Bill read second time.

**Senate Bill 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, May 7, 2003

Madam President: The Committee on Insurance, to which was referred:

SB 551

Reports the same back with the recommendation: Do pass as amended.

SPEIER, Chair

Above measure ordered to second reading.



**Committee on Health and Human Services**

Date of Hearing, May 7, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 932

Reports the same back with the recommendation: Do pass as amended.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, May 7, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

SB 215

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 6, 2003

Madam President: The Committee on Judiciary, to which was referred:

SB 113

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, May 6, 2003

Madam President: The Committee on Judiciary, to which were referred:

SB 265

SB 766

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Transportation**

Senate Chamber, May 12, 2003

Madam President: The Chair of the Committee on Transportation, to which was referred:

AB 812

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, May 7, 2003

Madam President: The Committee on Local Government, to which were referred:

SB 149

SB 906

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measures ordered to second reading.

Date of Hearing, May 7, 2003

Madam President: The Committee on Local Government, to which was referred:

SB 745

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, May 7, 2003

Madam President: The Committee on Local Government, to which was referred:

SCA 11

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Constitutional Amendments.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, May 8, 2003

Madam President: The Committee on Education, to which was referred:

SB 821

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Lila Morley of Yuba City and Sidney Vincent Dennison of Auburn.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Former U.S. Representative John Rousselot of Mission Viejo.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Susan Casillas of Stockton.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Don A. Rascon of Sacramento.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Phillip Sansone of Newport Beach.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, May 13, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY–FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, May 13, 2003

The Senate met at 9 a.m.

Hon. John L. Burton, of the 3rd District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:

Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

*(NOTE: Senators Aanestad and Alarcón will be excused this day on legislative business, Senator Oller will be excused this day on personal business, and Senator Dunn will be excused this day due to a death in the family.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 68	AB 769	AB 1242	AB 1775
AB 111	AB 799	AB 1245	AB 1782
AB 360	AB 800	AB 1275	AB 403
AB 398	AB 842	AB 1281	AB 571
AB 445	AB 872	AB 1314	AB 673
AB 458	AB 924	AB 1355	AB 1239
AB 525	AB 960	AB 1386	AB 1265
AB 557	AB 1007	AB 1407	AB 1294
AB 558	AB 1028	AB 1538	AB 1610
AB 671	AB 1079	AB 1600	AB 1639
AB 682	AB 1209	AB 1653	AB 1772
AB 711	AB 1230	AB 1708	

Assembly Chamber, May 13, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 58	ACR 66	ACR 73
ACR 80	ACR 85	AJR 29

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 68**—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

**Assembly Bill 111**—An act to amend Section 3011 of the Family Code, and to amend Section 273a of, and to add Title 10.5a (commencing with Section 14145) to Part 4 of, the Penal Code, relating to child abuse.

**Assembly Bill 360**—An act to amend Section 330b of the Penal Code, relating to gaming.

**Assembly Bill 398**—An act to amend Sections 31496.3 and 31621.9 of, and to add Section 31485.10 to, the Government Code, relating to county employees' retirement.

**Assembly Bill 445**—An act to add and repeal Article 6 (commencing with Section 4998.90) of Chapter 14 of Division 2 of the Business and Professions Code, relating to social workers.

**Assembly Bill 458**—An act to amend Sections 1522.41, 1529.2, and 1563 of the Health and Safety Code, and to amend Sections 16001.9 and

16003 of, and to add Section 16013 to, the Welfare and Institutions Code, relating to human services.

**Assembly Bill 525**—An act to amend Section 3365.6 of the Business and Professions Code, relating to hearing aids.

**Assembly Bill 557**—An act to amend Section 21810 of the Vehicle Code, relating to vehicles.

**Assembly Bill 558**—An act to amend Section 1812.86 of the Civil Code, relating to health studios.

**Assembly Bill 671**—An act to amend Section 7587.1 of the Business and Professions Code, relating to private security services.

**Assembly Bill 682**—An act to amend Section 798.55 of the Civil Code, relating to mobilehomes.

**Assembly Bill 711**—An act to amend Sections 10153.2 and 10170.5 of the Business and Professions Code, relating to real estate licenses.

**Assembly Bill 769**—An act to add Sections 2586.2, 2586.4, 2586.6, and 2586.8 to the Business and Professions Code, relating to healing arts.

**Assembly Bill 799**—An act to amend Sections 9542 and 9545 of the Welfare and Institutions Code, relating to aging.

**Assembly Bill 800**—An act to amend Section 1785.25 of the Civil Code, relating to consumer credit.

**Assembly Bill 842**—An act to amend Sections 11018.8, 11018.9, and 11024 of, and to add Section 11003.6 to, the Business and Professions Code, and to amend Sections 1689.5 and 1689.24 of the Civil Code, relating to time-share estates.

**Assembly Bill 872**—An act to add Section 22358.2 to the Vehicle Code, relating to vehicles.

**Assembly Bill 924**—An act to amend Section 602.8 of the Penal Code, relating to crimes.

**Assembly Bill 960**—An act to add Article 8.8 (commencing with Section 1039) to Chapter 4 of Division 8 of the Evidence Code, and to amend Section 3304 of the Government Code, relating to privilege.

**Assembly Bill 1007**—An act to amend and repeal Section 1601.1 of, and to repeal Section 1601.5 of, the Business and Professions Code, relating to dentistry.

**Assembly Bill 1028**—An act to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

**Assembly Bill 1079**—An act to amend Sections 9880.1 and 9882 of the Business and Professions Code, relating to automotive repair.

**Assembly Bill 1209**—An act to amend Section 6254 of, and to amend and repeal Section 11126 of, the Government Code, relating to public agency security.

**Assembly Bill 1230**—An act to amend Sections 3574 and 3577 of the Government Code, relating to higher education labor relations.

**Assembly Bill 1242**—An act to amend Section 1920 of the Streets and Highways Code, relating to transportation.

**Assembly Bill 1245**—An act to add Section 9001.5 to the Elections Code, relating to initiatives.

**Assembly Bill 1275**—An act to repeal Sections 12012.25, 12012.75, and 12012.85 of, and to add Chapter 8 (commencing with Section 12720) to Part 2 of Division 3 of Title 2 of, the Government Code, relating to tribal gaming.

**Assembly Bill 1281**—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

**Assembly Bill 1314**—An act to amend Section 290.3 of the Penal Code, relating to sex offenders.

**Assembly Bill 1355**—An act to add Section 216.3 to the Financial Code, relating to financial institutions.

**Assembly Bill 1386**—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

**Assembly Bill 1407**—An act to amend Section 714 of the Civil Code, relating to solar energy.

**Assembly Bill 1538**—An act to add Section 7029.6 to the Business and Professions Code, relating to contractors.

**Assembly Bill 1600**—An act to amend Section 10508 of, and to add Sections 10508.6 , 10508.7, and 10508.8 to, the Insurance Code, relating to records.

**Assembly Bill 1653**—An act to add Sections 1239.5 and 1470 to the Penal Code, relating to appeals.

**Assembly Bill 1708**—An act to amend Sections 6031.5, 6065, 6086.10, 6140, 6140.5, 6145, and 6234 of the Business and Professions Code, relating to attorneys.

**Assembly Bill 1775**—An act to amend Section 1814 of the Financial Code, relating to money transmitters.

**Assembly Bill 1782**—An act relating to emergency preparedness.

**Assembly Bill 403**—An act to amend Section 12104 of the Financial Code, relating to check sellers and proraters.

**Assembly Bill 571**—An act to amend Section 19605.73 of the Business and Professions Code, relating to horse racing.

**Assembly Bill 673**—An act to amend Section 19540 of, and to add Sections 19411.1, 19411.2, and 19412.1 to, the Business and Professions Code, relating to horse racing.

**Assembly Bill 1239**—An act to amend Section 33561 of the Financial Code, relating to payment instruments.

**Assembly Bill 1265**—An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to engineering services.

**Assembly Bill 1294**—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

**Assembly Bill 1610**—An act to amend Section 1785.20.3 of the Civil Code, relating to consumer credit.

**Assembly Bill 1639**—An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

**Assembly Bill 1772**—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

**Assembly Concurrent Resolution 58**—Relative to a Blue Star Memorial Highway.

**Assembly Concurrent Resolution 66**—Relative to the high school exit examination.

**Assembly Concurrent Resolution 73**—Relative to the Danielle van Dam Memorial Overpass.

**Assembly Concurrent Resolution 80**—Relative to the Compton Unified School District.

**Assembly Concurrent Resolution 85**—Relative to the Respect for All Project.

**Assembly Joint Resolution 29**—Relative to Social Security.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Senate Chamber, May 13, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 669

ACR 74

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 669**—An act relating to state property.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 669 pursuant to Joint Rule 58.

SENATOR BATTIN

**Permission of Rules Committee**

Senate Chamber, May 13, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 669.

BURTON, Chair

**Assembly Concurrent Resolution 74**—Relative to the International Commission of Holocaust Era Insurance Claims.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 457

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 940

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUZIA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 770

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Insurance**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Insurance, to which was referred:

SB 691

Reports the same back with the recommendation: Do pass as amended.

SPEIER, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 13, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 12	SB 14	SB 15	SB 68
SB 603	SB 700	SB 780	SB 974

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 12**—An act to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

Bill read second time.

**Senate Bill 14**—An act to add Chapter 10 (commencing with Section 16800) to Part 10 of the Education Code, relating to early childhood education and after school facilities, and by providing the funds necessary therefor through an election for, and the insurance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds.

Bill read second time.

**Senate Bill 15**—An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.42, 17078.52, 17078.54, 17078.58, and 17078.62 of, and to repeal Section 17078.50 of, the Education Code, relating to education facilities.

Bill read second time.

**Senate Bill 68**—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

Bill read second time.

**Senate Bill 603**—An act to add Article 11 (commencing with Section 61581) to Chapter 1 of Part 3 of Division 21 of the Food and Agricultural Code, relating to dairy products.

Bill read second time.

**Senate Bill 700**—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 41511.5, and 44559.9 to, the Health and Safety Code, relating to air quality.

Bill read second time.

**Senate Bill 780**—An act to amend Sections 210, 21455.7, and 40518 of, to add Sections 212, 4760.2, 4761.1, 4762.1, 4763.1, 4764.1, 4765.1, 12810.3, 40518.5, 40520.5, 40520.6, 40520.7, 40520.8, 40520.9, 40520.10, 40520.11, 40520.12, and 40520.13 to, and to repeal and add Section 21455.5 of, the Vehicle Code, relating to vehicles.

Bill read second time.

**Senate Bill 974**—An act to add Chapter 2.3 (commencing with Section 2025) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Governmental Organization**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SCA 1

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Constitutional Amendments.

VINCENT, Chair

Above measure re-referred to the Committee on Constitutional Amendments.

#### **Committee on Elections and Reapportionment**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

SCA 6

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Constitutional Amendments.

PERATA, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 962

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Education, to which was referred:

SB 892

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Senate Chamber, May 13, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1038

AB 97

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1038**—An act relating to education finance.

Bill read second time.

**Assembly Bill 97**—An act to amend Section 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 398

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, May 7, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 921

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ORTIZ, Chair

Above measure ordered to second reading.

#### **Committee on Transportation**

Senate Chamber, May 13, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 321

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 321**—An act to add Division 3 (commencing with Section 64500) to Title 6.7 of the Government Code, relating to infrastructure investment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Senate Chamber, May 13, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 520

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 520**—An act to add Section 57202.1 to the Government Code, relating to local agency reorganization.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Insurance, to which was referred:  
SB 841

Reports the same back with the recommendation: Do pass as amended.  
SPEIER, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 156**—An act to amend Section 7501 of the Family Code, relating to custody.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 734**—An act to amend Sections 3027.5 and 3040 of, to add Section 3100.5 to, and to repeal Section 3027.1 of, the Family Code, relating to child custody.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 902**—An act to add Section 15867 to the Government Code, relating to state property.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 556**—An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 749**—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 929**—An act to add Section 12313 to the Penal Code, relating to explosives.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 134**—An act to add Section 3259.5 to the Civil Code, relating to private works of improvement.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 314**—An act to add Section 130350.5 to the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Concurrent Resolution 17**—Relative to highways.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 551**—An act to add Section 758.5 to the Insurance Code, relating to auto insurance.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 589**—An act to add Section 1774.6 to the Government Code, relating to public officers.

Bill read second time.

The amendments proposed by the Committee on Rules were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 181**—An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 537**—An act to add Section 4741.05 to the Health and Safety Code, relating to solid waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 842**—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 620**—An act to amend Sections 787, 10127.10, 10127.13, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, 1749.8, 10127.17, and 10127.18 to, the Insurance Code, relating to insurance.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Senate Bill 567**—An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 932**—An act to add Section 5917.5 to the Corporations Code, relating to corporations.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 215**—An act to amend Sections 2100, 2102, and 2104 of, to amend the heading of Chapter 3 (commencing with Section 2100) of Division 2.5 of, and to add Section 2101 to, the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 113**—An act to amend Section 1281.5 of the Code of Civil Procedure, relating to mechanic's liens.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 265**—An act to amend Section 3044 of the Family Code, relating to child custody.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 766**—An act to amend Section 25500 of the Corporations Code, relating to corporations.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 149**—An act to amend Sections 1, 7, 9, 101, 133, 202, 251, 252, 253, and 431 of, to amend the heading of Article 6 (commencing with Section 671 of Chapter 3 of Part 5 of, to add Section 202.5 to, to add Chapter 3.5 (commencing with Section 685) to Part 5 of, to repeal Sections 136, 203, 204, 205, 671, and 673 of, to repeal Chapter 2 (commencing with Section 221) of Part 3 of, and to repeal Article 2 (commencing with Section 471) of Chapter 8 of Part 4 of, the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 906**—An act to amend Section 60622 of, and to add Section 71611.5 to, the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 745**—An act to amend Sections 66418.2 and 66426 of the Government Code, relating to land use.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of

the State, by adding Section 16 to Article XI thereof, by amending Section 1 of Article XIII A thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to infrastructure projects.

Resolution read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Constitutional Amendments.

**Senate Bill 821**—An act to add Section 66015.9 to the Education Code, relating to business ethics.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 624**—An act to amend Section 19826 of, and to repeal Sections 19994.20 and 19996.40 of, the Government Code, relating to state personnel administration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 409**—An act to amend, repeal, and add Section 17070.75 of, and to add and repeal Section 33129.5 of, the Education Code, relating to school finance, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 31:** By Senator Speier—Relative to California Missions Day.

#### **SENATE COMMITTEE ROLL CALLS** **Committee on Environmental Quality**

**SB 20**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 21**—Committee amendments

AYES (3)—Senators Kuehl, Romero, and Sher.

NOES (0)—None.

**SB 21**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

**SB 352**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 709**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**SB 807**—Reconsideration granted

AYES (5)—Senators Denham, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 5/12/03

Sher (Chair)

#### **Committee on Governmental Organization**

**SB 887**—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Cedillo, Chesbro, Karnette, Machado, Murray, Soto, and Vincent.

NOES (4)—Senators Battin, Brulte, Johnson, and Morrow.

**SCA 1**—Be adopted and re-refer to Committee on Constitutional Amendments

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Johnson, Karnette, Machado, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 5/13/03

Vincent (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad and Alarcón.

The following Senator was granted leave of absence for the day due to personal business: Senator Oller.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Dunn.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 14, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-SECOND LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, May 14, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senator Alarcón will be excused this day on legislative business, Senator Oller will be excused this day on personal business, and Senator Alpert will be excused this day due to illness.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Environmental Quality**

Date of Hearing, May 5, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 805

Reports the same back with the recommendation: Do pass as amended.

SHER, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, May 7, 2003

Mr. President: The Committee on Education, to which was referred:  
SB 6

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Senate Chamber, May 14, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 1039

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 1039**—An act relating to education finance.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1039 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, May 14, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1039.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, May 14, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 10	SB 17	SB 151	SB 238
SB 548	SB 550	SB 727	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 10**—An act to amend Sections 26105 and 26132 of, and to repeal Section 26134 of, the Water Code, relating to irrigation districts.

Bill read second time.

**Senate Bill 17**—An act to amend Sections 64, 480.1, 480.2, and 482 of, and to add Section 471 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

**Senate Bill 151**—An act to amend Section 11165 of, and to amend, repeal, and add Sections 11164, 11165.1, and 11167 of, and to amend and repeal Sections 11161, 11162.5, 11167.5, and 11169 of, the Health and Safety Code, relating to controlled substances.

Bill read second time.

**Senate Bill 238**—An act to amend Sections 666.7, 11106, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill read second time.

**Senate Bill 548**—An act to amend Section 15626 of the Government Code, and to amend Sections 19048, 19334, and 19346 of the Revenue and Taxation Code, relating to tax administration.

Bill read second time.

**Senate Bill 550**—An act to amend Sections 51212 and 66010.3 of, and to add Sections 8203.4, 33144, 33145, 35013, 35276, 51225.6, 52056.6, 66010.9, 66722.7, and 66722.9 to, the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to education.

Bill read second time.

**Senate Bill 727**—An act to amend Sections 140.5, 1143, 2656, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3301, 3302, and 3303 of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 122

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, May 12, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 709

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 457**—An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 691**—An act to add Section 1785.20.4 to the Civil Code, and to add Section 676.18 to the Insurance Code, relating to credit history.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment 6**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article II thereof, by amending Section 8 of Article III thereof, by amending Section 18 of Article IV thereof, and by amending Section 1 of Article XII thereof, relating to public utilities.

Resolution read second time.

The amendments proposed by the Committee on Elections and Reapportionment were read and adopted and the measure ordered printed, and re-referred to the Committee on Constitutional Amendments.

**Senate Bill 962**—An act to add Section 1326.5 to the Unemployment Insurance Code, relating to unemployment compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 892**—An act to add Section 35292.5 to the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 398**—An act to amend Sections 1812.501, 1812.502, 1812.524, 1812.525, 1812.526, 1812.527, 1812.528, 1812.529, 1812.530, 1812.531, 1812.532, and 1812.533 of the Civil Code, and to add Section 1264.1 to, and to repeal and add Chapter 2.3 (commencing with Section 1400) of Division 2 of, the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 921**—An act to add Division 112 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 841**—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SB 929** and **SB 537** were referred to the Committee on Appropriations.

#### MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 620** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations.

#### MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 749** was withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS****Committee on Judiciary**

**SB 30**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 122**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 294**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 577**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 584**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**SB 708**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**SB 849**—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Morrow.

NOES (1)—Senator Sher.

**SB 889**—Do pass

AYES (2)—Senators Ackerman and Morrow.

NOES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

Failed passage

**SB 890**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Ackerman and Morrow.

NOES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

Failed passage

**SB 912—Do pass**

AYES (2)—Senators Ackerman and Morrow.

NOES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

Failed passage

**SB 1008—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**SB 1022—Do pass as amended**

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 5/13/03

Escutia (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Alarcón.

The following Senator was granted leave of absence for the day due to personal business: Senator Oller.

The following Senator was granted leave of absence for the day due to illness: Senator Alpert.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Suzanne Collins of Pleasant Hill.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator’s request until 8:30 p.m., Thursday, May 15, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-THIRD LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, May 15, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**QUORUM CALL OF THE SENATE**

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

**PROCEEDINGS UNDER QUORUM CALL OF THE SENATE**  
**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Oller will be excused this day on personal business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Our prayer is but a cold affair, Lord, because our love burns with so small a flame by comparison, but You Who are so rich in mercy will not mete out to us Your gifts according to the dullness of our zeal, but as Your kindness is above all human love so let Your eagerness to hear be greater than the feeling in our prayers. Do this for us and with us, Lord, so that we may act according to Your will and thus ruled and protected by You, always and everywhere, may we come at last to glory, through You Who are living and reigning God through all ages. And, Lord, please smile on the Kings and the Lakers this evening.—AMEN.

(St. Anselm, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ackerman led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 805**—An act to amend Sections 26505 and 26506 of the Public Resources Code, relating to hazardous substances.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 6**—An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, 70901, 70901.5, 70902, 71000, 71090, 71092, and 87482.4 of, to amend, repeal, and add Sections 33302 and 33303 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, and to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 71090.5, 99181, and 99182 of the Education Code, relating to public education governance.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 122**—An act to add Section 17204.6 to the Business and Professions Code, relating to unfair competition.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 749**—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

Bill read second time, ordered printed, engrossed, and to third reading.

**Senate Bill 709**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **REQUESTS TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Murray:

Senate Chamber, May 12, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 321 may be reported by the Committee on Transportation after the deadline.

SENATOR MURRAY

The following request was presented by Senator Sher:

Senate Chamber, May 9, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 656 may be reported by the Committee on Environmental Quality after the deadline.

SENATOR SHER

#### **Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

#### **RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Knight.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

##### **THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 11**—Relative to HIV and AIDS drug treatment.

Resolution read third time.

**Amendments Adopted**

Amendments to SCR 11 proposed by Senator Soto were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 276**—An act to amend Sections 11100, 11100.1, 11104, 11106, 11107, and 11107.1 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Vasconcellos.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 114**—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 217**—An act to add Section 4582.1 to the Public Resources Code, relating to forest resources.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 331**—An act to add Section 340.8 of the Code of Civil Procedure, relating to toxic injuries.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 627**—An act to amend Sections 22203.5, 22213, 22503, 22663, 22713, 22714, 22801, 22801.5, 22820, 22823, 22826, 22905, 23203, 23300, 24002, 24012, 24111, 24214, 24216.6, 24300, 24606, 24615, 24975, 25000.9, 25018.5, 25101, and 25940 of the Education Code, relating to state teachers' retirement.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution 10**—Relative to Medicare prescription drug coverage.

Resolution read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill 295**—An act to amend Section 11362.9 of the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 556**—An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Perata, Poochigian, Scott, Sher, Speier, and Vasconcellos.

NOES (4)—Senators Alarcón, Brulte, Cedillo, and Denham.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock,

McPherson, Morrow, Perata, Poochigian, Scott, Sher, Speier, and Vasconcellos.

NOES (4)—Senators Alarcón, Brulte, Cedillo, and Denham.

Bill ordered transmitted to the Assembly.

**Senate Bill 181**—An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

Bill read third time and presented by Senator Machado.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

#### Senator Alpert Presiding

**Senate Bill 210**—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to amend Section 1308.6 of the Labor Code, relating to minors.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Knight, and Morrow.

Bill ordered transmitted to the Assembly.

**Senate Bill 898**—An act relating to land conservation.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 156**—An act relating to child custody.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Ackerman, Battin, Denham, Hollingsworth, and Knight.

Bill ordered transmitted to the Assembly.

**Motion to refer Measure to Inactive File**

Senator Scott moved that **SB 824** be placed on the inactive file.

Motion carried.

**Senate Bill 199**—An act to add Section 664 to the Civil Code, relating to genetic information.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 54**—An act to amend Section 18610.5 of, and to add Section 18407 to, the Health and Safety Code, relating to mobilehomes.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 298**—An act relating to vehicles.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Poochigian, and Vasconcellos.

Bill ordered transmitted to the Assembly.

**Senate Bill 842**—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 567**—An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 932**—An act to add Section 5917.5 to the Corporations Code, relating to corporations.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 624**—An act to amend Section 19826 of, and to repeal Sections 19994.20 and 19996.40 of, the Government Code, relating to state personnel administration.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 691**—An act to add Section 676.18 to the Insurance Code, relating to credit history.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS****Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Robert H. Hattoy, Member, Fish and Game Commission;  
Kenneth L. Risen, Member, Board of Prison Terms.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.  
NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

John L. Geesman, Member, State Energy Resources Conservation and Development Commission;  
Michael G. Yarborough, Warden, California State Prison, Los Angeles;  
Joseph Tavaglione, Member, California Transportation Commission;  
Esteban E. Torres, Member, California Transportation Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.  
NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Jeremiah F. Hallisey, Member, California Transportation Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator Denham demanded that the question be divided and that the confirmation of the appointment of:

Rachel M. Dinno, Member California Water Commission

William J. Lyons, Jr., Member, California Water Commission

be taken up separately.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Richard W. Atwater, Member, California Water Commission;

Ane D. Deister, Member, California Water Commission;

Daniel M. Dooley, Member, California Water Commission;

Martha G. Guzman, Member, California Water Commission;

Walter L. Yep, Member, California Water Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Rachel M. Dinno, Member, California Water Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**Consideration of Governor’s Appointment**

Senator Burton placed the following Governor’s appointment before the Senate:

William J. Lyons, Jr., Member, California Water Commission.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Senator Burton Presiding**

**UNANIMOUS CONSENT TO SET CONSENT CALENDAR**

Without objection, the following measures were withdrawn from committee and ordered placed on the Consent Calendar to be taken up today:

SCR 28	SCR 29	ACR 3	ACR 28
ACR 83	ACR 93	ACR 94	ACR 100

**CONSIDERATION OF DAILY FILE (RESUMED)  
CONSENT CALENDAR**

**Senate Bill 1074**—An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend Section 48003 of the Public Resources Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 187**—An act to amend Sections 44325, 44326, 44328, and 44830.3 of the Education Code, relating to district interns, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 818**—An act to amend Sections 71801 and 71802 of the Government Code, and to amend Section 1 of Chapter 1047 of the Statutes of 2002, relating to courts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 787**—An act to amend Sections 53601 and 53635 to the Government Code, relating to local agency investments.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 806**—An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1037**—An act to amend Sections 66453 and 66473.3 of, and to repeal Section 66473.2 of, the Government Code relating to subdivisions.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 84**—An act to repeal Section 44306 of the Education Code, relating to teacher credentialing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Joint Resolution 11**—Relative to special education funding.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 14**—Relative to arthritis awareness.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1076**—An act to amend Section 1771.7 of the Health and Safety Code, relating to care facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 113**—An act to amend Section 1281.5 of the Code of Civil Procedure, relating to mechanic's liens.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 28**—Relative to California Indian Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 29**—Relative to Bob Hope day.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 3**—Relative to the National Academy of Recording Arts and Sciences.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 28**—Relative to Elder Abuse Prevention Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 83**—Relative to skin cancer and melanoma awareness.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 93**—Relative to American Stroke Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 94**—Relative to Older Americans Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 100**—Relative to California Senior Mobility Awareness Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Bill 856**—An act to amend Section 14763 of the Government Code, relating to state property.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 338**—An act to amend Sections 48800, 48802, and 76002 of the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 735**—An act to amend and repeal Sections 307, 5211, 7211, and 9211 of the Corporations Code, relating to corporations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 435**—An act to amend Section 12054 of the Penal Code, relating to concealed firearms.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (39)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**REQUEST TO BE ADDED TO ROLL CALL**

May 15, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 567—Aye

SB 842—Aye

JOHN L BURTON, President pro Tempore

May 15, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 556—No

SB 54—Aye

JAMES L BRULTE, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Oller.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 10:30 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, May 19, 2003.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
May 15, 2003

*To the Members of the Senate:*

Dear Senator Burton and Members of the Senate: In accordance with the provisions of Article V. section 8(b), of the California Constitution, Governor Gray Davis hereby submits the attached report of his parole review decisions for the year 2002.

Sincerely,

BARRY GOODE  
Secretary of Legal Affairs

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 581

Above measure ordered enrolled.

Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 18

Above resolution ordered enrolled.

## Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 35	AB 836	AB 1530	AB 833
AB 132	AB 899	AB 1573	AB 864
AB 138	AB 903	AB 1584	AB 933
AB 141	AB 961	AB 1585	AB 945
AB 144	AB 964	AB 1606	AB 948
AB 185	AB 1010	AB 1613	AB 996
AB 255	AB 1019	AB 1625	AB 1046
AB 373	AB 1055	AB 1634	AB 1082
AB 376	AB 1070	AB 1678	AB 1238
AB 382	AB 1083	AB 1712	AB 1255
AB 390	AB 1096	AB 1718	AB 1277
AB 399	AB 1211	AB 1725	AB 1329
AB 424	AB 1214	AB 1738	AB 1362
AB 475	AB 1216	AB 1776	AB 1410
AB 518	AB 1227	AB 1778	AB 1413
AB 548	AB 1273	AB 266	AB 1438
AB 569	AB 1347	AB 276	AB 1469
AB 652	AB 1361	AB 348	AB 1506
AB 665	AB 1367	AB 377	AB 1536
AB 669	AB 1371	AB 594	AB 1587
AB 687	AB 1382	AB 663	AB 1618
AB 706	AB 1397	AB 677	AB 1697
AB 716	AB 1423	AB 710	AB 1700
AB 773	AB 1488	AB 722	AB 1705
AB 774	AB 1505	AB 762	AB 1719
AB 827	AB 1516	AB 815	

## Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 31

AJR 9

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 35**—An act to amend Section 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

**Assembly Bill 132**—An act to amend Section 18871 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

**Assembly Bill 138**—An act to add Section 2076 to the Business and Professions Code, relating to physicians and surgeons.

**Assembly Bill 141**—An act to amend Section 1109 of the Evidence Code, relating to domestic violence

**Assembly Bill 144**—An act to repeal Section 31470.10 of the Government Code, relating to county employees' retirement.

**Assembly Bill 185**—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

**Assembly Bill 255**—An act to amend Section 25004.5 of the Government Code, relating to elections.

**Assembly Bill 373**—An act to add Section 12693.515 to the Insurance Code, relating to the Healthy Families Program.

**Assembly Bill 376**—An act to amend Section 5771 of the Welfare and Institutions Code, relating to mental health.

**Assembly Bill 382**—An act to amend Section 9882 of the Business and Professions Code, relating to automotive repair.

**Assembly Bill 390**—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

**Assembly Bill 399**—An act to amend Section 51221.3 of the Education Code, relating to school curriculum.

**Assembly Bill 424**—An act to amend Section 45272 of, and to add Section 45277.5 to, the Education Code, relating to school employees.

**Assembly Bill 475**—An act to amend Section 20200 of the Government Code, relating to public employees' retirement.

**Assembly Bill 518**—An act to amend Section 56668 of the Government Code, relating to local agency formation.

**Assembly Bill 548**—An act to amend Sections 7646 and 7647 of the Business and Professions Code, relating to funeral directors and embalmers.

**Assembly Bill 569**—An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of, to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits.

**Assembly Bill 652**—An act to amend Section 4980.44 of the Business and Professions Code, relating to healing arts.

**Assembly Bill 665**—An act to amend Section 5000.5 of the Business and Professions Code, relating to professional and vocational boards.

**Assembly Bill 669**—An act to amend Sections 14837, 14839, 14842, and 14842.5 of, and to repeal Section 14838.6 of, the Government Code, and to amend Sections 999, 999.6, and 999.9 of the Military and Veterans Code, relating to public contracts.

**Assembly Bill 687**—An act to amend Section 25501 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 706**—An act to add Section 61600.3 to the Government Code, relating to community services districts.

**Assembly Bill 716**—An act to amend Sections 14010, 14030, 14034, 14036, 14037, 14038, 14039, 14040, 14041, and 14043 of, to amend and renumber Section 14030.2 of, and to repeal Sections 14031 and 14035 of, the Corporations Code, relating to small business financial development corporations.

**Assembly Bill 773**—An act to amend Sections 130054.1 and 130054.8 of the Public Utilities Code, relating to transportation.

**Assembly Bill 774**—An act to amend Section 46144 of the Education Code, relating to vocational education.

**Assembly Bill 827**—An act to repeal Section 450.4 of the Business and Professions Code, relating to professions and vocations.

**Assembly Bill 836**—An act to add Section 591.5 to the Penal Code, relating to wireless telephones.

**Assembly Bill 899**—An act to add Section 14001 to, and to repeal Sections 15037 and 15037.1 of, the Unemployment Insurance Code, relating to unemployment insurance.

**Assembly Bill 903**—An act to amend Sections 911, 916, and 941 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

**Assembly Bill 961**—An act to amend Sections 8802 and 8807 of the Family Code, relating to adoption.

**Assembly Bill 964**—An act to amend Sections 2982, 2982.5, and 2985.8 of the Civil Code, relating to vehicle contracts.

**Assembly Bill 1010**—An act to amend Sections 69612 and 69613.1 of the Education Code, relating to student financial aid.

**Assembly Bill 1019**—An act relating to parks.

**Assembly Bill 1055**—An act to amend Section 29404 of the Government Code, relating to the district attorney.

**Assembly Bill 1070**—An act to amend Sections 45285 and 88104 of the Education Code, relating to classified school employees.

**Assembly Bill 1083**—An act to add Section 10110.3 to the Insurance Code, relating to life insurance.

**Assembly Bill 1096**—An act to amend Section 3074 of the Civil Code, and to amend Section 22851.12 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1211**—An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of, and to add Section 8592.6 to, the Government Code, relating to public safety.

**Assembly Bill 1214**—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

**Assembly Bill 1216**—An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

**Assembly Bill 1227**—An act to amend Section 1874.1 of the Insurance Code, relating to insurance fraud.

**Assembly Bill 1273**—An act to amend Sections 1050 and 1050.5 of the Penal Code, relating to criminal procedure.

**Assembly Bill 1347**—An act to amend Section 65865 of the Government Code, relating to development projects.

**Assembly Bill 1361**—An act to amend Section 1950.7 of the Civil Code, relating to tenancy.

**Assembly Bill 1367**—An act to add Section 25150.9 to the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 1371**—An act to amend Sections 24173, 24176, and 24178 of the Health and Safety Code, relating to medical research.

**Assembly Bill 1382**—An act to amend Sections 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

**Assembly Bill 1397**—An act to add Section 218.5 to the Code of Civil Procedure, and to amend Section 230 of the Labor Code, relating to trial juries.

**Assembly Bill 1423**—An act to amend Sections 11500, 11502, and 11504 of, and to add Section 11502.5 to, the Business and Professions Code, relating to common interest development managers.

**Assembly Bill 1488**—An act to amend Section 1270.1 of the Penal Code, relating to domestic violence protective orders.

**Assembly Bill 1505**—An act to amend Section 23356.1 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1516**—An act to amend Section 3048 of the Family Code, relating to child custody, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1530**—An act to amend Sections 3412, 3415, 3417, 3418, and 3419 of the Penal Code, relating to prisoners.

**Assembly Bill 1573**—An act to amend Section 17250.35 of the Education Code, relating to school construction.

**Assembly Bill 1584**—An act to amend Sections 20057, 20501, 20610, 20611, 20752, 20816, 20890.2, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5 and 22816.1 to, and to repeal Sections 20677.1, 20732, 21431, and 22216 of, and to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, the Government Code, relating to the Public Employees' Retirement System.

**Assembly Bill 1585**—An act to amend Sections 31452, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

**Assembly Bill 1606**—An act to add Section 22816.1 to the Government Code, relating to public employees' health benefits.

**Assembly Bill 1613**—An act to amend Section 15364.79 of the Government Code, relating to international trade and investment, and making an appropriation therefor.

**Assembly Bill 1625**—An act to amend Section 27315 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1634**—An act relating to public lands.

**Assembly Bill 1678**—An act to amend Section 87407 of the Government Code, relating to the Political Reform Act of 1974.

**Assembly Bill 1712**—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to

amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

**Assembly Bill 1718**—An act to amend Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1725**—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

**Assembly Bill 1738**—An act to amend Sections 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, and 114367.5 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

**Assembly Bill 1776**—An act to amend Section 2105 of the Corporations Code, relating to foreign corporations.

**Assembly Bill 1778**—An act to amend Section 90404 of, to amend and repeal Section 41205 of, and to repeal Section 89911 of, the Education Code, and to amend Section 8880.5 of the Government Code, relating to the California State University.

**Assembly Bill 266**—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

**Assembly Bill 276**—An act to amend Sections 210, 225.5, 226, 605, 752, 1021, 1021.5, and 1197.1 of the Labor Code, relating to employment.

**Assembly Bill 348**—An act to amend Sections 5152, 5154, 5257, 5259.3, 5264, 5267, and 5270.35 of the Welfare and Institutions Code, relating to mental health.

**Assembly Bill 377**—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

**Assembly Bill 594**—An act to add Section 21080.31 to the Public Resources Code, relating to environmental protection.

**Assembly Bill 663**—An act to amend Sections 7583.39 and 7583.40 of the Business and Professions Code, relating to security services.

**Assembly Bill 677**—An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

**Assembly Bill 710**—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

**Assembly Bill 722**—An act to add Sections 10290.3 and 12101.7 to the Public Contract Code, relating to public contracts.

**Assembly Bill 762**—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

**Assembly Bill 815**—An act to add Section 16302.5 to the Food and Agricultural Code, relating to animals.

**Assembly Bill 833**—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

**Assembly Bill 864**—An act to amend Section 19912 of the Business and Professions Code, relating to gambling.

**Assembly Bill 933**—An act to amend Section 68120 of the Education Code, and to amend Sections 21541 and 31781.1 of the Government Code, relating to death benefits.

**Assembly Bill 945**—An act to add Section 207.6 to the Welfare and Institutions Code, relating to minors.

**Assembly Bill 948**—An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

**Assembly Bill 996**—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

**Assembly Bill 1046**—An act to amend Section 241.1 of the Penal Code, relating to assault.

**Assembly Bill 1082**—An act to amend Sections 22869 and 22872 of the Government Code, relating to public employee health care benefits, and making an appropriation therefor.

**Assembly Bill 1238**—An act to amend Sections 34501.12 and 34621 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1255**—An act to amend Section 25214.8 of the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 1277**—An act to amend Sections 13848 and 13848.6 of the Penal Code, relating to high technology crime.

**Assembly Bill 1329**—An act to add Section 2895.5 to the Public Utilities Code, relating to telecommunications.

**Assembly Bill 1362**—An act to amend Section 1151.5 of the Government Code, relating to personnel.

**Assembly Bill 1410**—An act to amend Sections 54220 and 54222 of the Government Code, relating to surplus land.

**Assembly Bill 1413**—An act to amend Section 102535 of the Health and Safety Code, relating to vital records.

**Assembly Bill 1438**—An act to add Section 1536.5 to the Penal Code, relating to business records.

**Assembly Bill 1469**—An act to amend Sections 364, 366, and 366.21 of the Welfare and Institutions Code, relating to minors.

**Assembly Bill 1506**—An act to add Section 1771.9 to the Labor Code, relating to public works.

**Assembly Bill 1536**—An act to amend Sections 12962, 12980, 12981, and 12983 of the Government Code, relating to fair employment and housing.

**Assembly Bill 1587**—An act to amend Sections 31520.1 and 31520.5 of, and to add Section 31485.9 to, the Government Code, relating to local public employees' retirement.

**Assembly Bill 1618**—An act to amend Section 11713 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1697**—An act to amend Section 27360 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1700**—An act to amend Section 116365 of the Health and Safety Code, relating to drinking water.

**Assembly Bill 1705**—An act to add Section 16004.5 to the Probate Code, relating to trusts.

**Assembly Bill 1719**—An act to amend Sections 6309 and 6315 of the Labor Code, relating to employment.

**Assembly Concurrent Resolution 31**—Relative to pupil fitness.

**Assembly Joint Resolution 9**—Relative to undocumented students.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, May 14, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 315, AB 887.

**Banking, Commerce and International Trade**—AB 169, AB 479.

**Business and Professions**—AB 970.

**Education**—AB 296, AB 610, AB 615.

**Environmental Quality**—AB 387, AB 788.

**Governmental Organization**—AB 287, AB 388, AB 605, AB 617, AB 804, AB 867.

**Health and Human Services**—AB 179, AB 366, AB 380, AB 414, AB 421, AB 529, AB 1045; ACR 51, ACR 75.

**Housing and Community Development**—AB 32, AB 304, AB 305, AB 1034.

**Insurance**—AB 794; ACR 74.

**Judiciary**—SJR 18; AB 104, AB 524, AB 542, AB 738, AB 767, AB 862.

**Labor and Industrial Relations**—SCR 20; AB 330, AB 643, AB 918.

**Local Government**—AB 51, AB 241, AB 944, AB 969.

**Natural Resources and Wildlife**—AB 16, AB 635.

**Public Employment and Retirement**—AB 80, AB 199, AB 577, AB 908.

**Public Safety**—AB 25, AB 49, AB 270, AB 352, AB 355, AB 365, AB 506, AB 522, AB 837, AB 883, AB 936, AB 1042, AB 1044.

**Revenue and Taxation**—AB 967; AJR 8.

**Rules**—AB 654, AB 776, AB 792.

**Transportation**—AB 467, AB 625, AB 935; ACR 29, ACR 35, ACR 54, ACR 71; AJR 10.

**Veterans Affairs**—SJR 17; AB 890; AJR 21.

The Committee on Rules has referred the following measures to two committees:

**Banking, Commerce and International Trade and Judiciary**—AB 620, AB 1031.

**Business and Professions and Judiciary**—AB 567.

**Business and Professions and Rules**—AB 371.

**Education and Labor and Industrial Relations**—AB 290.

**Judiciary and Public Safety**—AB 394.

**Judiciary and Rules**—AB 277.

**Labor and Industrial Relations and Elections and Reapportionment**—AB 503.

**Local Government and Judiciary**—AB 171, AB 197.

**Public Employment and Retirement and Elections and Reapportionment**  
—AB 419.

The Committee on Rules has re-referred the following measures to committee:

**Education**—SB 359.

**Energy, Utilities and Communications**—SB 704.

**Natural Resources and Wildlife and Environmental Quality**—SB 750.

**Committee on Energy, Utilities and Communications**

Date of Hearing, May 6, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 304

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Rules**

State Capitol, May 14, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Gloria M. Andrews, Deputy Director, Personnel Administration Department (5-0)

Xema M. Jacobson, Member, San Diego County Regional Airport Authority Governing Board (5-0)

Steve Peace, Director of Finance (5-0)

Brian J. Stiger, Chief, Bureau of Electronic and Appliance Repair (4-0)

Kristen L. Beckner, Member, Commission on Teacher Credentialing (5-0)

Martin S. Lilly, Ed.D., Member, Commission on Teacher Credentialing (5-0)

Donald Vial, Member, California Consumer Power and Conservation Financing Authority, Board of Directors (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Appropriations**

Senate Chamber, May 15, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 278

SB 279

SB 613

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 278**—An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 279**—An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

Bill read second time.

**Senate Bill 613**—An act to add Section 17 to, and to repeal and add Section 14200 of, the Elections Code, relating to elections..

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, May 15, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 731

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 731**—An act to amend Sections 3351, 3352, and 3363.5 of, and to repeal Sections 3370 and 3371 of, the Labor Code, and to amend Sections 2601, 4017, and 4024.2 of, and to repeal Section 5069 of, the Penal Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, May 15, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1228

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1228**—An act to add Section 65850.3 to the Government Code, relating to zoning.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, April 21, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 656

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

Senate Chamber, May 15, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 493

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 493**—An act to add Sections 25400.5, 25400.6, 25400.7, 25400.8, 25400.9, 25400.10, and 24500.11 to the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, May 12, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 352

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, May 15, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 816

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 816**—An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, relating to business ethics.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 704** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 20:** By Senators Alpert, Kuehl, Ortiz, and Scott—Relative to eugenics.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: April 17, 2003, relating to Internal Affairs was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 22, 2003, relating to disenrolled students was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: April 29, 2003, relating to Incentives for Child Care Retention was received from the Department of Education and transmitted to the Committee on Education.

An Initiative Title and Summary report dated: April 29, 2003, relating to pig enclosures. Initiative statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: April 30, 2003, relating to the 2001 statewide employee housing statistical summary was received from the Department of Housing and Community Development and transmitted to the Committee on Housing and Community Development.

A report dated: April 30, 2003, relating to multi-jurisdictional drug task forces was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

The January 2003 quarterly report dated: April 30, 2003, relating to the renewable energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

An audit report dated: April 30, 2003, relating to Medi-Cal pharmaceutical cost containment practices by the Department of Health Services was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: May 1, 2003, relating to the High School Exit Examination was received from the Department of Education and transmitted to the Committee on Education.

A report dated: May 1, 2003, relating to comparable salaries to selected State Civil Services classifications was received from the Department of Personnel Administration and transmitted to the Committee on Public Employment and Retirement.

The January 2003 quarterly report dated: May 1, 2003, relating to hazardous waste fees was received from the Board of Equalization and transmitted to the Committee on Environmental Quality.

A report dated: May 1, 2003, relating to exam validation and occupational analysis was received from the State and Consumer Services Agency and transmitted to the Committee on Business and Professions.

An Initiative Title and Summary report dated: May 2, 2003, relating to Consumer Information Privacy. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: May 2, 2003, relating to school improvement needs was received from the Department of Education and transmitted to the Committee on Education.

A report dated: May 5, 2003, relating to residential telephone service was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: May 5, 2003, relating to the 2002 Energy Efficiency and Conservation programs was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

The 2002 annual report dated: May 6, 2003, was received from the Bay Area Toll Authority and transmitted to the Committee on Transportation.

A report dated: May 6, 2003, relating to the Olmstead plan was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: May 7, 2003, relating to teacher credentialing costs was received from the Legislative Analyst's Office and transmitted to the Committee on Budget and Fiscal Review.

A report dated: May 8, 2003, relating to mandates was received from the Commission on State Mandates and transmitted to the Committee on Budget and Fiscal Review.

A report dated: May 8, 2003, relating to claims denied in 2002 was received from the Commission on State Mandates and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: May 13, 2003, relating to the Franchise Tax Board was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: May 14, 2003, relating to the Toll Bridge Seismic Safety Retrofit program was received from the Department of Transportation and transmitted to the Committee on Transportation.

A report dated: May 13, 2003, relating to the employment of minors in Lake County Agricultural packing plants was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

A report dated: May 13, 2003, relating to the Bureau of Field Enforcement was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Nina Simone of San Diego.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Mary Louise Keig of Morgan Hill.

Senator Battin requested that when the Senate adjourns this day it do so in memory of Deputy Bruce Lee of La Quinta.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Ulysses Lolonis of Redwood Valley and Dr. Ted Loring of Eureka.

Senators Hollingsworth and Battin requested that when the Senate adjourns this day it do so in memory of Edward Hoekstra of Mira Loma.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Sandy Hurley of Santa Clarita.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Sue Nelson of Los Angeles.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Norman S. Nishioki of Fresno.

Senator Sher requested that when the Senate adjourns this day it do so in memory of Dr. Bennett Kilpack of Half Moon Bay.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, May 19, 2003 on call of the President pro Tempore.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-FOURTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, May 19, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Battin will be excused this day on legislative business.)*

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which  
was referred:

SB 1026

Reports the same back with author's amendments with the  
recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1026**—An act to add Section 32501.5 to the Food and Agricultural Code, relating to milk.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 887

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VINCENT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Judiciary, to which were referred:

SB 30

SB 294

SB 577

SB 584

SB 708

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, May 13, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 1008

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, May 16, 2003

Mr. President: The Committee on Rules has examined:

SCR 25

SCR 26

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 16th day of May, 2003, at 1:30 p.m.

BURTON, Chair

**Committee on Appropriations**

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 5	SB 334	SB 606	SB 833
SB 10	SB 356	SB 607	SB 855
SB 12	SB 361	SB 635	SB 858
SB 78	SB 362	SB 646	SB 868
SB 112	SB 373	SB 663	SB 906
SB 118	SB 401	SB 680	SB 926
SB 139	SB 408	SB 686	SB 947
SB 149	SB 418	SB 700	SB 967
SB 186	SB 429	SB 707	SB 969
SB 197	SB 437	SB 724	SB 971
SB 212	SB 440	SB 727	SB 984
SB 231	SB 441	SB 728	SB 993
SB 232	SB 464	SB 736	SB 996
SB 245	SB 476	SB 739	SB 1025
SB 247	SB 478	SB 761	SB 1032
SB 256	SB 481	SB 772	SB 1064
SB 258	SB 524	SB 781	SB 1077
SB 260	SB 530	SB 796	SB 1078
SB 261	SB 540	SB 798	SB 1079
SB 277	SB 544	SB 799	SB 1080
SB 290	SB 575	SB 808	SB 1081
SB 315	SB 598	SB 817	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 193	SB 292	SB 705
SB 801	SB 911	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Rules**

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 431
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 431**—An act to amend Section 100150 of the Health and Safety Code, relating to health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 207

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 207**—An act to amend Section 594.35 of the Penal Code, relating to vandalism.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, May 19, 2003

Mr. President: The Committee on Rules has examined:

SB 581

And reports that the same has been correctly enrolled, and presented to the Governor on the 19th day of May, 2003, at 3:15 p.m.

BURTON, Chair

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 304**—An act to add Article 2 (commencing with Section 21210) to Chapter 8 of Division 8 of, and to add an article heading immediately preceding Section 21200 of, the Business and Professions Code, relating to petroleum.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Concurrent Resolution 11**—Relative to HIV and AIDS drug treatment.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 656**—An act to add Section 39614 to the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 352**—An act to amend Sections 17074.27, 17074.30, 17213, and 17582 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 457, SB 619, SB 892, SB 921** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 304** was withdrawn from committee and placed on file.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Battin.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Rose Flores of Norwalk.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of John R. Carroll of Santa Clara.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, May 20, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, May 20, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Aanestad will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 90

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, May 19, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 13	AB 464	AB 878	AB 1105
AB 73	AB 509	AB 901	AB 1180
AB 212	AB 512	AB 915	AB 1285
AB 218	AB 534	AB 956	AB 1405
AB 226	AB 666	AB 976	AB 1436
AB 262	AB 701	AB 1006	AB 1467
AB 309	AB 780	AB 1009	AB 1545
AB 314	AB 781	AB 1020	AB 1555
AB 329	AB 813	AB 1065	AB 1649
AB 359	AB 838	AB 1087	AB 1715
AB 427	AB 846	AB 1090	AB 1739

Assembly Chamber, May 19, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 98	ACR 101	AJR 30	AJR 33
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E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 90**—Relative to Asian and Pacific Islander Mental Health Awareness Month.

**Assembly Bill 13**—An act to add and repeal Section 118.7 of the Streets and Highways Code, relating to the Department of Transportation.

**Assembly Bill 73**—An act to add Section 4003 to the Financial Code, relating to unsolicited checks.

**Assembly Bill 212**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 218**—An act to amend Section 65582 of the Government Code, relating to local planning.

**Assembly Bill 226**—An act to amend Section 10110.1 of, and to add Section 10110.4 to, the Insurance Code, relating to life insurance.

**Assembly Bill 262**—An act to amend Sections 56.05 and 56.10 of the Civil Code, relating to personal information.

**Assembly Bill 309**—An act to amend Section 1632 of the Civil Code, relating to contracts.

**Assembly Bill 314**—An act to add Section 111 to the Water Code, relating to water.

**Assembly Bill 329**—An act to amend, repeal, and add Section 15061 of, and to add Sections 14901.5, 14925.5, 14931.5, 15058, 15058.2, 15058.5, 15058.7, 15058.8, 15058.9, 15059, 15059.5, 15059.6, 15059.7, 15059.8, and 15059.82 to the Food and Agricultural Code, relating to animal nutrition, and making an appropriation therefor.

**Assembly Bill 359**—An act to amend Section 70 of the Penal Code, relating to public safety officers.

**Assembly Bill 427**—An act to amend Sections 180201 and 180204 of the Public Utilities Code, relating to transportation.

**Assembly Bill 464**—An act to add Sections 1586.6 and 1586.7 to the Health and Safety Code, relating to care facilities.

**Assembly Bill 509**—An act to amend Sections 19596.1 and 19596.2 of, and to add Section 19596.3 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

**Assembly Bill 512**—An act to amend Sections 1363 and 1368 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) and Article 2 (commencing with 1378.010) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

**Assembly Bill 534**—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

**Assembly Bill 666**—An act to amend Section 52720 of the Education Code, relating to schools.

**Assembly Bill 701**—An act to add Section 25631.1 to the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 780**—An act to amend Sections 56043 and 56505 of the Education Code, relating to special education.

**Assembly Bill 781**—An act to add Article 3.5 (commencing with Section 51430) to Chapter 3 of Part 28 of the Education Code, relating to public schools.

**Assembly Bill 813**—An act to amend Sections 99246 and 99314.6 of, and to add and repeal Section 99268.17 of, the Public Utilities Code, relating to transportation.

**Assembly Bill 838**—An act to add Section 57386 to the Government Code, relating to local agency formation.

**Assembly Bill 846**—An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

**Assembly Bill 878**—An act to amend Sections 6055 and 6077.6 of, and to add Sections 6084.1 and 6084.2 to, the Harbors and Navigation Code, relating to harbor districts.

**Assembly Bill 901**—An act to amend Section 48003 of the Public Resources Code, relating to solid waste.

**Assembly Bill 915**—An act to amend Section 18541 of the Elections Code, relating to elections.

**Assembly Bill 956**—An act to add Section 44013 to the Education Code, relating to teacher credentialing.

**Assembly Bill 976**—An act to amend Section 13952 of the Government Code, relating to victims of crime, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1006**—An act to add Section 17615 to the Education Code, relating to pesticide.

**Assembly Bill 1009**—An act to amend, add, and repeal Section 97 of the Streets and Highways Code, and to amend Section 627 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1020**—An act to add Section 116747 to the Health and Safety Code, relating to drinking water.

**Assembly Bill 1065**—An act to amend Sections 7202 and 7203 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1087**—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture.

**Assembly Bill 1090**—An act to amend, repeal, and add Section 40420 of the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1105**—An act to amend Section 803 of the Penal Code, relating to identity theft.

**Assembly Bill 1180**—An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

**Assembly Bill 1285**—An act to add Section 5090 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1405**—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

**Assembly Bill 1436**—An act to amend Sections 35021.5 and 72330 of the Education Code, to amend Section 18124 of the Health and Safety Code, to amend Sections 830.6 and 12027.1 of the Penal Code, and to amend Sections 2806, 4453.6, 4460, 22855, 27900, 34507.5, 35790.1, and 40600 of the Vehicle Code, relating to peace officers.

**Assembly Bill 1467**—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry.

**Assembly Bill 1545**—An act to amend Section 21091 of the Public Resources Code, relating to environmental quality.

**Assembly Bill 1555**—An act to amend Section 654.05 of the Harbors and Navigation Code, relating to vessels.

**Assembly Bill 1649**—An act to add Section 48207.5 to the Education Code, relating to pupil attendance.

**Assembly Bill 1715**—An act to amend Section 1281 of the Code of Civil Procedure, and to add Section 12952 to the Government Code, relating to employment arbitration.

**Assembly Bill 1739**—An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

**Assembly Concurrent Resolution 98**—Relative to Arthritis Awareness Month.

**Assembly Concurrent Resolution 101**—Relative to recognizing May 2003 as Asian and Pacific Islander American Heritage Month.

**Assembly Joint Resolution 30**—Relative to Japanese American World War II Internment.

**Assembly Joint Resolution 33**—Relative to Taiwan and the World Health Organization.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing, May 19, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 68	SB 279	SB 613	SB 937
SB 88	SB 354	SB 620	SB 942
SB 107	SB 358	SB 631	SB 962
SB 183	SB 360	SB 633	SB 1002
SB 228	SB 363	SB 779	SB 1016
SB 229	SB 592	SB 795	SB 1075
SB 271	SB 610	SB 907	

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, May 20, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 86	SB 173	SB 445	SB 875
SB 89	SB 301	SB 545	SB 888
SB 96	SB 323	SB 619	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 86**—An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

Bill read second time.

**Senate Bill 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

Bill read second time.

**Senate Bill 96**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 173**—An act to add Section 17206.7 to the Business and Professions Code, and to add Section 391.1 to the Public Utilities Code, relating to energy.

Bill read second time.

**Senate Bill 301**—An act to add Chapter 3.2 (commencing with Section 8251) to Division 1 of Title 2 of the Government Code, relating to the Commission on Latino/Latina Affairs.

Bill read second time.

**Senate Bill 323**—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Senate Bill 445**—An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

Bill read second time.

**Senate Bill 545**—An act to amend Section 4052 of, and to add Section 4427 to, the Business and Professions Code, relating to pharmacists.

Bill read second time.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill read second time.

**Senate Bill 875**—An act to add Section 123232 to the Health and Safety Code, relating to nutrition, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 888**—An act to amend Sections 335, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add Sections 330.1, 330.2, 330.4, 330.6, 367.5, 393.1, 393.2, 454.55, 454.10, and 761.7 to, to repeal Sections 334, 338, 341.1, 341.5, 346, 348, 350, 355, 356, 359, 360, 361, 365, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal and add Sections 330 and 366 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 849

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, May 20, 2003

Mr. President: The Committee on Rules has examined:

SCR 18

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 20th day of May, 2003, at 9 a.m.

BURTON, Chair

Senate Chamber, May 20, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 767

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 767**—An act relating to health.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 767 pursuant to Joint Rule 58.

SENATOR FLOREZ

**Permission of Rules Committee**

Senate Chamber, May 20, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 767.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, May 12, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 20

SB 21

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 970

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 887**—An act to add Division 3 (commencing with Section 64050) to Title 6.7 of the Government Code, relating to financing a seaport security and port neighborhood transportation, clean air, and navigation improvement program by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Senate Bill 294**—An act to amend Sections 2850, 2851, 2852, 2853, 2854, and 2855 of, and to repeal Section 2856 of, the Probate Code, relating to conservators, guardians, and trustees.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 584**—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1008**—An act to amend Section 999.9 of, and to add Section 999.14 to, the Military and Veterans Code, and to amend Section 10115.10 of, and to add Section 10115.9 to, the Public Contract Code, relating to veterans.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 5**—An act to add Section 60605.3 to the Education Code, relating to curriculum.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 10**—An act to repeal Section 26134 of the Water Code, relating to irrigation districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 12**—An act to amend Section 17538.45 of, to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 78**—An act to amend Sections 33350 and 60800 of the Education Code, relating to physical education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 112**—An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 118**—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 139**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 149**—An act to amend Sections 1, 7, 9, 101, 133, 202, 251, 252, 253, and 431 of, to amend the heading of Article 6 (commencing with Section 671 of Chapter 3 of Part 5 of, to add Section 202.5 to, to add Chapter 3.5 (commencing with Section 685) to Part 5 of, to repeal Sections 136, 203, 204, 205, 671, and 673 of, to repeal Chapter 2 (commencing with Section 221) of Part 3 of, and to repeal Article 2 (commencing with Section

471) of Chapter 8 of Part 4 of, the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 186**—An act to amend Section 17538.4 of, and to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, relating to privacy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 197**—An act to add Section 559 to the Labor Code, relating to hours and wages.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 212**—An act to amend Section 742.24 of the Insurance Code, relating to investments.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 231**—An act to add Section 124982 to the Health and Safety Code, relating to hereditary disorders.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 232**—An act to amend Sections 111 and 38506 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 247**—An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 256**—An act to amend Section 76100 of, and to add Section 70404 to, the Government Code, relating to court facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 258**—An act relating to public schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 260**—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 261**—An act to amend Section 1375.4 of, and to add Sections 1375.9, 1375.10, 1375.11, and 1375.12 to, the Health and Safety Code, relating to health care service plans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 277**—An act to add Section 2840 to the Fish and Game Code, relating to water, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 290**—An act to amend Section 51226.3 of the Education Code, relating to instruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 315**—An act to amend Section 10753 of the Revenue and Taxation Code, and to amend Sections 1800, 1810, 1810.7, 4456, 5068, 6700, 9101, 9107, 11204, 12814, 15250.7, 16021, and 40508 of, and to add Section 11519 to, the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 334**—An act to amend Sections 605, 705, and 706 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 356**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 361**—An act to amend Sections 4001, 4003, 4008, 4200, and 4202 of, and to add Sections 4083, 4200.2, 4314, and 4315 to, the Business and Professions Code, relating to pharmacy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 362**—An act to amend Sections 1616.5 and 1742 of, to amend and repeal Section 1601.1 of the Business and Professions Code, to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001, relating to dental professionals.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 373**—An act to amend Section 64001 of, and to add Section 60242.1 to, the Education Code, relating to school accountability.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 401**—An act to amend Section 9410 of the Government Code, relating to legislative committee hearings.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 408**—An act to amend Sections 13353.8 and 23612 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 418**—An act to repeal and add Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 429**—An act to add Section 854.5 to the Public Utilities Code, relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 437**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 440**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 441**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 464**—An act to amend Section 56341 of the Education Code, relating to special education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 476**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 478**—An act to add Section 230.2 to the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 481**—An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 524**—An act relating to instruction

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 530**—An act to amend Section 86109.5 of the Government Code, relating to lobbying.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 540**—An act to add Section 1569.628 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 544**—An act to add Section 27337 to the Government Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 575**—An act to amend Section 33126 of the Education Code, relating to school accountability.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 598**—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 606**—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 607**—An act to amend Section 14509.4 of the Public Resources, relating to beverage container recycling.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 635**—An act to amend Sections 1797.98c and 1797.98e of the Health and Safety Code, relating to emergency medical services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 646**—An act to add Section 41821.4 to the Public Resources Code, relating to solid waste.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 663**—An act to amend Section 3704.7 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 680**—An act relating to student financial aid.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 686**—An act to amend Section 674.6 of, to add Section 674.8 to, and to add Chapter 5 (commencing with Section 11890) to Part 3 of Division 2 of, the Insurance Code, relating to long-term health care facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 700**—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 41511.5, and 44559.9 to, the Health and Safety Code, relating to air quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 707**—An act to add Section 21151.3 to the Public Resources Code, relating to environmental quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 724**—An act to amend Section 20400 of the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 727**—An act to amend Sections 140.5, 1143, 2656, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3301, 3302, and 3303

of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 728**—An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 736**—An act to amend Sections 17550.4, 17550.13, 17550.14, 17550.20, 17550.21, 17550.37, 17550.41, and 17550.47 of, to add Section 17550.42 to, and to repeal Article 2.5 (commencing with Section 17540) of Chapter 1 of Part 3 of Division 7 and Sections 17550.34 and 17550.59 of, the Business and Professions Code, relating to sellers of travel.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 739**—An act to add and repeal Section 10553.3 of the Welfare and Institutions Code, relating to tribal health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 761**—An act to amend Sections 1278 and 1287 of the Penal Code, relating to bail services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 772**—An act to amend Section 25322 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 781**—An act to amend Section 3042 of the Penal Code, relating to parole.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 798**—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 799**—An act to amend Section 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 808**—An act to amend Sections 473, 473.1, and 473.2 of, to add Chapter 2 (commencing with Section 474) to Division 1.2 of, and to add a chapter heading to Division 1.2 of, the Business and Professions Code, and to add Article 8.5 (commencing with Section 9148.50) to

Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to boards and commissions.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 817**—An act to amend Section 10200 of the Unemployment Insurance Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 833**—An act to add Section 6533 to the Government Code and to amend Section 1011.5 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 855**—An act to add Section 1516 to, and to add and repeal Sections 1516.1, 1516.2, and 1516.3 of, the Health and Safety Code, relating to care facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 858**—An act to add Section 104466 to the Health and Safety Code, relating to tobacco control, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 868**—An act to amend Section 1776 of the Labor Code, relating to public works.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 906**—An act to amend Section 60622 of, and to add Section 71611.5 to, the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 926**—An act to amend Sections 15325, 15329, 15346.4, 15346.8, and 65040.9 of, to amend the heading of Article 3.9 (commencing with Section 15348) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, and to amend and renumber Sections 15333.6, 15333.7, and 15333.8 of, the Government Code, relating to technology development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 947**—An act to amend Section 6086.7 of the Business and Professions Code, to amend Section 7810 of, and to add Sections 7950.5 and 8620 to, the Family Code, and to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 967**—An act to amend Sections 94800, 94802, and 94905 of, to amend and renumber Section 94740.1 of, and to add Sections 94740.3 and 94740.5 to, the Education Code, relating to postsecondary education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 969**—An act to amend Sections 4999.2 and 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 971**—An act to add Sections 89500.3, 89500.5, and 89500.7 to the Education Code, relating to the California State University.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 984**—An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend Section 15100 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 993**—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 996**—An act to add Section 157 to the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1025**—An act to amend Section 12955.1 of the Government Code, relating to fair housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1032**—An act to add Section 653z to the Penal Code, relating to crime.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1064**—An act to amend Sections 17941, 23701h, and 23701x of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1077**—An act to amend Sections 27, 1271, 2027, 2060, 2135.5, 2190.5, 2386, 2441, 2442, 2570.4, 4980.43, 4980.57, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, and 4996.23 of, to amend and repeal Section 4997 of, and to repeal Section 2106 of, the Business and Professions Code, relating to healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1078**—An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 7143, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, relating to professions and vocations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1079**—An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1080**—An act to amend Sections 5001, 5061, 5081, 5081.1, 5082, 5082.2, 5107, 5134, and 7583.9 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1081**—An act to amend Sections 1603.1, 1603.2, 1603.3, and 1603.4 of the Health and Safety Code, relating to human blood.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 193**—An act to add Chapter 15.3 (commencing with Section 67370) to Part 40 of the Education Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 292**—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 705**—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 801**—An act to repeal and add Section 51220.3 to the Education Code, relating to instruction.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 911**—An act to add Sections 53115.4 , 53115.5, and 53115.6 to, and to repeal Sections 53100.5 and 53115.2 of, the Government Code, relating to emergency services.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 708**—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend Section 42001.2 of, and to add Section 2814.1 to, the Vehicle Code, relating to air pollution.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 30**—An act to amend Sections 7030 and 7151.2 of, to add Sections 7159.4, 7159.5, 7159.6, 7159.7, and 7159.9 to, to repeal Section 7018.5 of, and to repeal and add Sections 7159 and 7159.3 of, the Business and Professions Code, and to amend Sections 1689.5, 1689.6, and 1689.7 of, and to add Section 1689.13 to, the Civil Code, relating to home improvement contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 304**—An act to add Article 2 (commencing with Section 21210) to Chapter 8 of Division 8 of, and to add an article heading immediately preceding Section 21200 of, the Business and Professions Code, relating to petroleum.

Bill read second time, ordered engrossed, and to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 1207**—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Amendments Adopted

Amendments to AB 1207 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 22:

SB 589	SB 315	SB 635	SB 967
SB 745	SB 334	SB 680	SB 969
SB 409	SB 356	SB 724	SB 984
SB 10	SB 362	SB 728	SB 993
SB 112	SB 373	SB 736	SB 1032
SB 118	SB 408	SB 761	SB 1064
SB 212	SB 464	SB 781	SB 1077
SB 231	SB 476	SB 798	SB 1078
SB 232	SB 530	SB 799	SB 1079
SB 258	SB 540	SB 808	SB 1080
SB 277	SB 544	SB 926	SB 1081
SB 290	SB 575	SB 947	

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SB 1007** and **ACR 51** were withdrawn from Committee and placed on file.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 100, SB 566, SB 656, and SB 887 to be heard in the Committee on Appropriations without two days notice in the Daily File.

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations****SB 68—Do pass**

AYES (8)—Senators Alpert, Battin, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (2)—Senators Aanestad and Ashburn.

**SB 88—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Battin.

**SB 107—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 157—Do pass as amended**

AYES (10)—Senators Aanestad, Alpert, Ashburn, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Battin.

**SB 183—Do pass**

AYES (10)—Senators Aanestad, Alpert, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 191—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 228—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Johnson.

**SB 229—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 271—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 279—Do pass**

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Karnette, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 285—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 354—Do pass**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Ashburn.

**SB 358—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 360—Do pass**

AYES (7)—Senators Aanestad, Alpert, Burton, Escutia, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 363—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 420—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 452—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 506—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 578—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 592—Do pass**

AYES (9)—Senators Aanestad, Alpert, Ashburn, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 610—Do pass**

AYES (8)—Senators Aanestad, Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

**SB 613—Do pass**

AYES (8)—Senators Aanestad, Alpert, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Ashburn.

**SB 620—Do pass**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 631—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 633—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 779—Do pass**

AYES (8)—Senators Aanestad, Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 795—Do pass**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 907—Do pass**

AYES (10)—Senators Alpert, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 937—Do pass**

AYES (10)—Senators Aanestad, Alpert, Ashburn, Bowen, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Battin.

**SB 942—Do pass**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 962—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 1002—Do pass**

AYES (10)—Senators Aanestad, Alpert, Battin, Bowen, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 1016—Do pass**

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 1075—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 5/19/03

Alpert (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Aanestad.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Regina Beltran of Chatsworth.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Ray "Sunny" Abril Sr., of Colton.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, May 21, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, May 21, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senators Escutia and Romero will be excused this day on legislative business and Senator Speier will be excused this day on personal business.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing, May 19, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 157	SB 191	SB 285
SB 452	SB 578	

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Education**

Date of Hearing, May 21, 2003

Mr. President: The Committee on Education, to which were referred:

SB 359

ACR 16

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, May 21, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 588

SB 709

SB 752

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 588**—An act to amend Sections 17070.75, 17584, and 33128 of, and to add Section 17463.5 to, the Education Code, relating to school finance.

Bill read second time.

**Senate Bill 709**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

**Senate Bill 752**—An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40303, 40305, 40305.5, 40500, and 40504 of the Vehicle Code, relating to identification.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Constitutional Amendments**

Date of Hearing, May 21, 2003

Mr. President: The Committee on Constitutional Amendments, to which was referred:

SCA 4

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations.

POOCHIGIAN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Business and Professions**

Senate Chamber, May 21, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 371

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 371**—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, May 21, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 94

AB 1228

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Date of Hearing, May 21, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 839

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

TORLAKSON, Chair

Above measure re-referred to the Committee on Judiciary.

Senate Chamber, May 21, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1125

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1125**—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Joint Resolution 19:** By Senator Soto—Relative to the North American Free Trade Agreement.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill 68**—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 107**—An act to amend Section 379.5 of, and to repeal Section 350 of, the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 183**—An act to amend Section 25401.6 of, and to add Chapter 8.6 (commencing with Section 25740) to Division 15 of the Public Resources Code, and to amend Sections 383.6, 394.25, 399.6, and 399.8 of, and to repeal Sections 383.5, 383.7, 399.6, 399.8, and 445 of, the Public Utilities Code, relating to energy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 228**—An act to amend Sections 62.5, 4603.2, and 5402 of, to add Section 3823 to, to repeal Sections 5307.2 and 5307.21 of, and to repeal and add Section 5307.1 of, the Labor Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 229**—An act to add Sections 11823 and 11823.5 to the Insurance Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 271**—An act to amend Sections 20570, 20572, 20574, 20576, 20577, 20578, and 20581 of, and to add Section 20577.5 to, the

Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 279**—An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 354**—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, and to amend Section 139.3 of, and to add Section 4600.2 to, the Labor Code, relating to workers' compensation insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 358**—An act to amend Sections 2701, 2702, 2703, 2708, 2725, 2815, 2815.1, 2841, 2847, 2878, 2893, 2895, 4501, 4503, and 4521 of, and to add Sections 2725.5, 2878.1, 2895.5, and 4521.2 to, the Business and Professions Code and to add Article 4 (commencing with Section 128475) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 360**—An act to amend Sections 125.9, 7303.1, 7309, 7313, 7317, 7319.5, 7321, 7321.5, 7324, 7326, 7330, 7332, 7333, 7334, 7335, 7336, 7337, 7337.5, 7338, 7340, 7341, 7342, 7344, 7353, 7354, 7355, 7356, 7357, 7359, 7362, 7362.1, 7362.2, 7362.3, 7364, 7365, 7366, 7367, 7389, 7389.5, 7395.1, 7396, 7400, 7401, 7403, 7405, 7406, 7407, 7408, 7409, 7410, 7414.1, 7414.3, 7414.4, 7414.6, 7415, 7421, and 7422 of, to add Sections 7303.2, and 7403.5 to, to repeal Sections 7331.5, 7340.5, 7390, 7391, 7392, 7393, 7394, 7395, 7416, and 7423.5 of, and to repeal and add Sections 7331 and 7423 to, the Business and Professions Code, relating to barbering and cosmetology, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 363**—An act to amend Sections 144, 2307, 3719, 3740, 4980.34, 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, 4996.17, 5801, 5810, 7607, 7631, 7632, 7649, 7706, 7725, 7887, 9653, 9719, 9768, and 9788 of, to add Sections 2029, 3779, 5801.2, 5801.3, and 9781.5 to, and to repeal and add Section 5811 of, the Business and Professions Code, and to amend Section 8277 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 592**—An act to amend Section 60061 of, to add Section 60200.9 to, and to add Chapter 1.5 (commencing with Section 60150) to Part 33 of, the Education Code, relating to public schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 610**—An act to amend Section 12302 of, and to repeal and add Section 12309 of, the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 613**—An act to add Section 17 to, and to repeal and add Section 14200 of, the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 620**—An act to amend Sections 787, 10127.10, 10127.13, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, 1749.8, 10127.17, and 10127.18 to, the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 631**—An act to amend Sections 1202.4, 1202.45, and 1214 of, and to add Section 1202.44 to, the Penal Code, relating to restitution, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 633**—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 779**—An act to add Article 5 (commencing with Section 110424.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 795**—An act to amend Sections 2557 and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 907**—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 937**—An act to amend Sections 1208, 1212, 1217, 1228, and 1231 of, and to add Sections 1218.1, 1226.1, 1226.2, 1226.3, and 1229.1 to, and to add and repeal Section 1218.2 of, the Health and Safety Code, relating to clinics.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 942**—An act to amend Section 25161 of the Health and Safety Code, relating to hazardous waste.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 962**—An act to add Section 1326.5 to the Unemployment Insurance Code, relating to unemployment compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1002**—An act to amend Sections 25281 and 25297.1 of the Health and Safety Code, relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1016**—An act to amend Section 30101.7 of the Revenue and Taxation Code, relating to tobacco.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1075**—An act to add Section 138.6 to the Health and Safety Code, relating to women’s health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 849**—An act to add Section 1936.2 to the Civil Code, relating to rental vehicle transaction fees, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

**Senate Bill 20**—An act to add Article 11.7 (commencing with Section 25243) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 42460) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous and solid waste.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 20 pursuant to Joint Rule 58.

SENATOR SHER

**Permission of Rules Committee**

Senate Chamber, May 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 20.

BURTON, Chair

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 21**—An act to amend Section 11361 of the Government Code, and to add Sections 79505.5, 79522, 79532, 79533, 79534, 79535,

79540.1, 79541.1, 79542.1, 79543.1, 79544.1, 79544.2, 79547, 79547.2, 79555, 79560.5, 79562.5, 79564.1, 79564.5, 79568.5, and 79571.5 to the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 970**—An act to add Sections 11077.5 and 11077.6 to, and to amend Section 11077 of, the Penal Code, relating to criminal offender record information.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1007**—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 1207**—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

#### SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 22:

SB 107	SB 631	SB 1075	ACR 51
SB 271	SB 633	SB 1007	
SB 279	SB 962	SB 607	

#### CONSENT CALENDAR

##### Objection Raised

**SB 334** was removed from the Special Consent Calendar and placed on the third reading file.

#### MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 849** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Appropriations.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Constitutional Amendments**

**SCA 1**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Bowen, Burton, McClintock, and Poochigian.

NOES (0)—None.

**SCA 4**—Be adopted and re-refer to Committee on Appropriations

AYES (3)—Senators Bowen, McClintock, and Poochigian.

NOES (0)—None.

Date of Hearing: 5/21/03

Poochigian (Chair)

**Committee on Education**

**SB 359**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

**AB 97**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**ACR 16**—Be adopted and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 5/21/03

Vasconcellos (Chair)

**Committee on Local Government**

**AB 94**—Do pass

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 520**—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 839**—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Ackerman, Machado, Margett, Perata, Soto, and Torlakson.

NOES (1)—Senator Hollingsworth.

**AB 1228**—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 5/21/03

Torlakson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Escutia (waives per diem) and Romero.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Jesse Dukeminier of Beverly Hills.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9:30 a.m., Thursday, May 22, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, May 22, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—37.  
Quorum present.

*(NOTE: Senators Escutia and Romero will be excused this day on legislative business and Senator Speier will be excused this day on personal business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

**Memorial Day**

I think about the people that fought in the wars, some have died to keep us free.

I think about the men and women, who saved lives on land and at sea.

I look at the monuments, in memory of the brave.

I help plant red flowers at my grandfather's grave.

At the parade, I see flags flying, red, white and blue.

I watch rows of different uniforms, navy, white and brown too.

The soldiers salute with pride. Memorial Day remembers and honors those who have died.

(Tim F., 3rd Grader)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Brulte led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing, May 19, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 506

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 13, 2003

Mr. President: The Committee on Judiciary, to which was referred:

SB 1022

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

Senate Chamber, May 22, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 805

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 805**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 321, AB 301, AB 582, and AB 812 to be heard in the Committee on Transportation this day without four days notice in the File.

**REQUEST FOR UNANIMOUS CONSENT (ACR 79)**

Senator Karnette asked for, and was granted, unanimous consent that ACR 79 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 79**

**Assembly Concurrent Resolution 79**—Relative to Equal Pay Day.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**SECOND READING OF SENATE BILLS**

**Senate Bill 452**—An act to amend Sections 89260 and 89260.5 of, and to repeal Section 89260.7 of, the Education Code, relating to the California State University.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 191**—An act to amend Sections 11735, 11736, and 11737 of, and to add Sections 11732.7, 11732.8, 11735.5, and 11742 to, the Insurance Code, relating to workers' compensation insurance.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 578**—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 157**—An act relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 285**—An act to amend Section 18533 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 94**—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time and ordered to third reading.

**Assembly Bill 1228**—An act to add Section 65850.3 to the Government Code, relating to zoning.

Bill read second time and ordered to third reading.

#### THIRD READING OF SENATE BILLS

**Senate Bill 920**—An act to amend Sections 352 and 372 of, to amend and renumber Section 454.1 of, to add Section 345.3 to, to repeal Sections 346, 348, and 350 of, and to repeal Article 2 (commencing with Section 334), Article 4 (commencing with Section 355), and Article 5 (commencing with Section 359) of Chapter 2.3 of Part 1 of, the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Bowen.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution 7**—Relative to highways.

Resolution read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Senate Bill 983**—An act to amend Sections 41701 and 71115 of the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 902**—An act to add Section 15867 to the Government Code, relating to state property.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 734**—An act to amend Sections 3027.5 and 3040 of, to add Section 3100.5 to, and to repeal Section 3027.1 of, the Family Code, relating to child custody.

Bill read third time.

**Amendments Adopted**

Amendments to SB 734 proposed by Senator Ortiz were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 134**—An act to amend Section 3097 of, and to add Section 3259.5 to, the Civil Code, relating to private works of improvement.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution 11**—Relative to HIV and AIDS drug treatment.

Resolution read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Senate Bill 5**—An act to add Section 60605.3 to the Education Code, relating to curriculum.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 12**—An act to amend Section 17538.45 of, to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division

7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to advertising.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Aanestad, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 78**—An act to amend Sections 33350 and 60800 of the Education Code, relating to physical education.

Bill read third time and presented by Senator Torlakson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Denham, Knight, and Morrow.

Bill ordered transmitted to the Assembly.

**Senate Bill 139**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

Bill read third time and presented by Senator Brulte.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 149**—An act to amend Sections 1, 7, 9, 101, 133, 202, 251, 252, 253, and 431 of, to amend the heading of Article 6 (commencing with

Section 671 of Chapter 3 of Part 5 of, to add Section 202.5 to, to add Chapter 3.5 (commencing with Section 685) to Part 5 of, to repeal Sections 136, 203, 204, 205, 671, and 673 of, to repeal Chapter 2 (commencing with Section 221) of Part 3 of, and to repeal Article 2 (commencing with Section 471) of Chapter 8 of Part 4 of, the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Bill read third time and presented by Senator McPherson.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Ackerman, Ashburn, Bowen, Brulte, Burton, Denham, Ducheny, Johnson, Knight, Machado, Margett, McPherson, Murray, Oller, Perata, Poochigian, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Kuehl and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 186**—An act to amend Section 17538.4 of, and to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, relating to privacy.

Bill read third time.

#### Amendments Adopted

Amendments to SB 186 proposed by Senator Murray were read and adopted and the measure ordered printed, engrossed, and to second reading.

#### Senator Burton Presiding

**Senate Bill 247**—An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alpert, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 361**—An act to amend Sections 4001 , 4003 , 4008, 4200, and 4202 of, and to add Sections 4083, 4200.2, 4314, and 4315 to, the Business and Professions Code, relating to pharmacy.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Morrow, Murray, Oller, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Brulte and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 437**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 440**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 441**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 713**—An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Machado.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Machado moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 481**—An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 524**—An act relating to instruction.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators McClintock and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 606**—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 646**—An act to add Section 41821.4 to the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 700**—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 41511.5, and 44559.9 to, the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Florez.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Florez moved a call of the Senate.

Motion carried.

**Senator Alpert Presiding****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 727**—An act to amend Sections 140.5, 1143, 2656, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3301, 3302, and 3303 of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 739**—An act to add and repeal Section 10553.3 of the Welfare and Institutions Code, relating to tribal health.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (7)—Senators Aanestad, Ackerman, Denham, Knight, Margett, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 197**—An act to add Section 559 to the Labor Code, relating to hours and wages.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 700)**

On motion of Senator Florez, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 700 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 971**—An act to add Sections 89500.3, 89500.5, and 89500.7 to the Education Code, relating to the California State University.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Soto, Torlakson, and Vincent.

NOES (1)—Senator Vasconcellos.

Bill ordered transmitted to the Assembly.

**Senate Bill 907**—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 1207**—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Karnette.

**Urgency Clause**

Urgency clause read.  
The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Karnette moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 817**—An act to amend Section 10200 of the Unemployment Insurance Code, relating to employment.

Bill read third time and presented by Senator Ducheny.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Ducheny moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 858**—An act to add Section 104466 to the Health and Safety Code, relating to tobacco control, and making an appropriation therefor.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 705**—An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Florez.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Florez moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 772**—An act to amend Section 25322 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

Bill read third time and presented by Senator Bowen.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Bowen moved a call of the Senate.

Motion carried.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Kuehl:

Senate Chamber, May 22, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(4) in order that SB 233 and SB 994 may be reported by the Committee on Natural Resources and Wildlife after the deadline.

SENATOR KUEHL

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(4) be dispensed with as requested.

Resolution read and presented by Senator Knight.

**Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 88**—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time and presented by Senator Chesbro.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 183**—An act to amend Section 25401.6 of, and to add Chapter 8.6 (commencing with Section 25740) to Division 15 of the Public Resources Code, and to amend Sections 383.6, 394.25, 399.6, and 399.8 of, and to repeal Sections 383.5, 383.7, 399.6, 399.8, and 445 of, the Public Utilities Code, relating to energy.

Bill read third time and presented by Senator Sher.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 358**—An act to amend Sections 2701, 2702, 2703, 2708, 2725, 2815, 2815.1, 2841, 2847, 2878, 2893, 2895, 4501, 4503, and 4521 of, and to add Sections 2725.5, 2878.1, 2895.5, and 4521.2 to, the Business and Professions Code and to add Article 4 (commencing with Section 128475) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to healing arts.

Bill read third time and presented by Senator Figueroa.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Figueroa moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 360**—An act to amend Sections 125.9, 7303.1, 7309, 7313, 7317, 7319.5, 7321, 7321.5, 7324, 7326, 7330, 7332, 7333, 7334, 7335, 7336, 7337, 7337.5, 7338, 7340, 7341, 7342, 7344, 7353, 7354, 7355, 7356, 7357, 7359, 7362, 7362.1, 7362.2, 7362.3, 7364, 7365, 7366, 7367, 7389, 7389.5, 7395.1, 7396, 7400, 7401, 7403, 7405, 7406, 7407, 7408, 7409, 7410, 7414.1, 7414.3, 7414.4, 7414.6, 7415, 7421, and 7422 of, to add Sections 7303.2, and 7403.5 to, to repeal Sections 7331.5, 7340.5, 7390, 7391, 7392, 7393, 7394, 7395, 7416, and 7423.5 of, and to repeal and add Sections 7331 and 7423 to, the Business and Professions Code, relating to barbering and cosmetology, and making an appropriation therefor.

Bill read third time and presented by Senator Figueroa.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Figueroa moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 363**—An act to amend Sections 144, 2307, 3719, 3740, 4980.34, 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, 4996.17, 5801, 5810, 7607, 7631, 7632, 7649, 7706, 7725, 7887, 9653, 9719, 9768, and 9788 of, to add Sections 2029, 3779, 5801.2, 5801.3, and 9781.5 to, and to repeal and add Section 5811 of, the Business and Professions Code, and to amend Section 8277 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

Bill read third time and presented by Senator Figueroa.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Figueroa moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 592**—An act to amend Section 60061 of, to add Section 60200.9 to, and to add Chapter 1.5 (commencing with Section 60150) to Part 33 of, the Education Code, relating to public schools.

Bill read third time and presented by Senator Vasconcellos.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Vasconcellos moved a call of the Senate.

Motion carried.

**Senator Bowen Presiding**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 911**—An act to add Section 53115.1 to, to repeal Section 53100.5 of, and to repeal and add Section 53115.2 of, the Government Code, relating to emergency services.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (30)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Margett, McPherson, Morrow,

Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 68**—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

Bill read third time and presented by Senator Alpert.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Ackerman, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Knight.

Bill ordered transmitted to the Assembly.

**Senate Bill 613**—An act to add Section 17 to, and to repeal and add Section 14200 of, the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Hollingsworth, Knight, Margett, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 795**—An act to amend Sections 2557 and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 937**—An act to amend Sections 1208, 1212, 1217, 1228, and 1231 of, and to add Sections 1218.1, 1226.1, 1226.2, 1226.3, and 1229.1 to, and to add and repeal Section 1218.2 of., the Health and Safety Code, relating to clinics.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Battin, Hollingsworth, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 942**—An act to amend Section 25161 of the Health and Safety Code, relating to hazardous waste.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding****Motion to Refer Measure to Inactive File**

Senator Sher moved that **SB 1002** be placed on the inactive file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 440)**

On motion of Senator Soto, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 440 was adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Battin, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Battin, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 437)**

On motion of Senator Soto, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 437 was adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Battin, Brulte, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Battin, Brulte, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 441)**

On motion of Senator Soto, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 441 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Battin, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Battin, Denham, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 713)**

On motion of Senator Machado, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 713 was adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Battin, Denham, Knight, Margett, McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez,

Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Battin, Denham, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 817)**

On motion of Senator Ducheny, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 817 was passed by the following vote:

AYES (23)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 705)**

On motion of Senator Florez, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 705 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 358)**

On motion of Senator Figueroa, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 358 was passed by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn,

Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (7)—Senators Brulte, Hollingsworth, Johnson, Margett, McClintock, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

#### **RECESS**

At 12 m., the Senate recessed in order to convene in extraordinary session.

#### **REASSEMBLED**

At 12:04 p.m., the Senate reconvened.

Hon. John L. Burton, of the 3rd District, presiding.

#### **CONSIDERATION OF DAILY FILE (RESUMED) FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1207)**

On motion of Senator Karnette, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and the urgency clause to AB 1207 was refused adoption by the following vote:

AYES (25)—Senators Alarcón, Alpert, Battin, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Soto, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Johnson, Knight, McClintock, Morrow, Oller, and Vasconcellos.

Measure ordered returned to third reading.

#### **Motion to Reconsider (AB 1207)**

Senator Karnette moved to reconsider the vote whereby the urgency clause to AB 1207 was this day refused adoption.

#### **Roll Call**

The roll was called and the motion carried by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above measure ordered returned to third reading.

**CONSENT CALENDAR****Objections Raised**

**SB 464** was removed from the Special Consent Calendar.

Senator Margett objected to **SB 1007** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

**SPECIAL CONSENT CALENDAR**

**Senate Bill 589**—An act to add Section 1774.6 to the Government Code, relating to public officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 745**—An act to amend Sections 66418.2 and 66426 of the Government Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 409**—An act to amend, repeal, and add Section 17070.75 of, and to add and repeal Section 33129.5 of, the Education Code, relating to school finance, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 10**—An act to repeal Section 26134 of the Water Code, relating to irrigation districts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 112**—An act to amend Section 7152.7 of the Health and Safety Code, and to amend Section 1672 of, and to amend and repeal Sections 12811 and 13005 of, the Vehicle Code, relating to organ and tissue donation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 118**—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 212**—An act to amend Section 742.24 of the Insurance Code, relating to investments.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 231**—An act to add Section 124982 to the Health and Safety Code, relating to hereditary disorders.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 232**—An act to amend Sections 111 and 38506 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 258**—An act relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 277**—An act to add Section 2840 to the Fish and Game Code, relating to water, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 290**—An act to amend Section 51226.3 of the Education Code, relating to instruction.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 315**—An act to amend Section 10753 of the Revenue and Taxation Code, and to amend Sections 1800, 1810, 1810.7, 4456, 5068, 6700, 9101, 9107, 11204, 12814, 15250.7, 16021, and 40508 of, and to add Section 11519 to, the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 356**—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 362**—An act to amend Sections 1616.5 and 1742 of, to amend and repeal Section 1601.1 of the Business and Professions Code, to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001, relating to dental professionals.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 373**—An act to amend Section 64001 of, and to add Section 60242.1 to, the Education Code, relating to school accountability.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 408**—An act to amend Sections 13353.8 and 23612 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 476**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 530**—An act to amend Section 86109.5 of the Government Code, relating to lobbying.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 540**—An act to add Section 1569.628 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 544**—An act to add Section 27337 to the Government Code, relating to veterans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 575**—An act to amend Section 33126 of the Education Code, relating to school accountability.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 635**—An act to amend Sections 1797.98c and 1797.98e of the Health and Safety Code, relating to emergency medical services.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 680**—An act relating to student financial aid.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 724**—An act to amend Section 20400 of the Elections Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 728**—An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 736**—An act to amend Sections 17550.4, 17550.13, 17550.14, 17550.20, 17550.21, 17550.37, 17550.41, and 17550.47 of, to add Section 17550.42 to, and to repeal Article 2.5 (commencing with Section 17540) of Chapter 1 of Part 3 of Division 7 and Sections 17550.34 and 17550.59 of, the Business and Professions Code, relating to sellers of travel.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 761**—An act to amend Sections 1278 and 1287 of the Penal Code, relating to bail services.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 781**—An act to amend Section 3042 of the Penal Code, relating to parole.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 798**—An act to amend Section 1351.2 of the Health and Safety Code, relating to health care service plans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 799**—An act to amend Section 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 808**—An act to amend Sections 473, 473.1, and 473.2 of, to add Chapter 2 (commencing with Section 474) to Division 1.2 of, and to add a chapter heading to Division 1.2 of, the Business and Professions Code, and to add Article 8.5 (commencing with Section 9148.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to boards and commissions.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 926**—An act to amend Sections 15325, 15329, 15346.4, 15346.8, and 65040.9 of, to amend the heading of Article 3.9 (commencing with Section 15348) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, and to amend and renumber Sections 15333.6, 15333.7, and 15333.8 of, the Government Code, relating to technology development, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 947**—An act to amend Section 6086.7 of the Business and Professions Code, to amend Section 7810 of, and to add Sections 7950.5 and 8620 to, the Family Code, and to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 967**—An act to amend Sections 94800, 94802, and 94905 of, to amend and renumber Section 94740.1 of, and to add Sections 94740.3 and 94740.5 to, the Education Code, relating to postsecondary education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 969**—An act to amend Sections 4999.2 and 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 984**—An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend Section 15100 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 993**—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1032**—An act to add Section 653z to the Penal Code, relating to crime.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1064**—An act to amend Sections 17941, 23701h, and 23701x of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1077**—An act to amend Sections 27, 1271, 2027, 2060, 2135.5, 2190.5, 2386, 2441, 2442, 2570.4, 4980.43, 4980.57, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, and 4996.23 of, to amend and repeal Section 4997 of, and to repeal Section 2106 of, the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1078**—An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 7143, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, relating to professions and vocations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1079**—An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1080**—An act to amend Sections 5001, 5061, 5081, 5081.1, 5082, 5082.2, 5107, 5134, and 7583.9 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1081**—An act to amend Sections 1603.1, 1603.2, 1603.3, and 1603.4 of the Health and Safety Code, relating to human blood.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 107**—An act to amend Section 379.5 of, and to repeal Section 350 of, the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 271**—An act to amend Sections 20570, 20572, 20574, 20576, 20577, 20578, and 20581 of, and to add Section 20577.5 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 279**—An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 631**—An act to amend Sections 1202.4, 1202.45, and 1214 of, and to add Section 1202.44 to, the Penal Code, relating to restitution, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 633**—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 962**—An act to add Section 1326.5 to the Unemployment Insurance Code, relating to unemployment compensation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1075**—An act to add Section 138.6 to the Health and Safety Code, relating to women's health.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 607**—An act to amend Section 14509.4 of the Public Resources, relating to beverage container recycling.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 51**—Relative to Postpartum Mood and Anxiety Disorder Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (37)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 772)**

On motion of Senator Bowen, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 772 was passed by the following vote:

**AYES (29)**—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Perata, Poochigian, Scott, Sher, Soto, Torlakson, and Vasconcellos.

**NOES (3)**—Senators Aanestad, Denham, and Oller.

Above bill ordered transmitted to the Assembly.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 88)**

On motion of Senator Chesbro, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 88 was passed by the following vote:

**AYES (36)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl,

Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Battin.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 183)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 183 was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 360)**

On motion of Senator Figueroa, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 360 was passed by the following vote:

AYES (23)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 363)**

On motion of Senator Figueroa, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 363 was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez,

Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 592)**

On motion of Senator Vasconcellos, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 592 was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered transmitted to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

May 22, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 78—Aye	SB 983—Aye	SB 646—Aye
SB 88—Aye	SB 183—Aye	SB 360—Aye
SB 363—Aye	SB 592—Aye	SB 937—Aye
SB 772—Aye		

JOHN L BURTON, President pro Tempore

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senator Escutia (waives per diem) and Romero.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 12:12 p.m., further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to

conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, May 23, 2003.

Motion carried.

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
May 22, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Karen A. Getman, attorney. Appointed 5/1/03. Effective 5/14/03:  
Member, Alcoholic Beverage Control Appeals Board vice Ray T. Blair, resigned, term ending at the pleasure of the Governor.

Matthew O. Franklin, formerly with Wells Fargo Home Mortgage. Appointed 5/1/03. Effective 5/12/03:  
Director of Housing and Community Development vice Julie I. Bornstein, resigned, term ending at the pleasure of the Governor.

Sharon L. Lawin, served since 1/00; reappointed 5/13/03. Effective 5/19/03:  
Member, Board of Prison Terms, term ending 3/15/07.

Leonard G. Munoz, served since 5/99; reappointed 5/13/03. Effective 5/17/03:  
Member, Board of Prison Terms, term ending 3/15/07.

Steven H. Brackett, served since 2/00; reappointed 5/12/03. Effective 5/21/03:  
Member, Youthful Offender Parole Board, term ending 3/15/07. .  
Above appointments referred to the Committee on Rules.

### REPORTS OF STANDING COMMITTEES Committee on Rules

State Capitol, May 22, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 1069, AB 1080, AB 1085, AB 1335.

**Banking, Commerce and International Trade**—AB 403, AB 1239, AB 1775.

**Business and Professions**—AB 445, AB 525, AB 558, AB 671, AB 711, AB 769, AB 1007, AB 1079, AB 1538.

**Education**—AB 310, ACR 80; AJR 29.

**Elections and Reapportionment**—AB 1245, AB 1677.

**Energy, Utilities and Communications**—AB 84, AB 1157, AB 1379, AB 1407.

**Governmental Organization**—AB 360, AB 571, AB 673, AB 1208, AB 1275, AB 1414, AB 1489, AB 1642, AB 1657, AB 1780, AB 1781.

**Health and Human Services**—AB 458, AB 799, AB 1166, AB 1716.

**Insurance**—AB 1496, AB 1600, AB 1727, AB 1729.

**Judiciary**—AB 68, AB 682, AB 800, AB 842, AB 962, AB 1294, AB 1302, AB 1349, AB 1610, AB 1639, AB 1708; SR 20.

**Labor and Industrial Relations**—AB 1028, AB 1099, AB 1132, AB 1230, AB 1578.

**Local Government**—AB 1172, AB 1195.

**Natural Resources and Wildlife**—AB 1168, AB 1420.

**Public Employment and Retirement**—AB 398, AB 1064, AB 1281.

**Public Safety**—AB 924, AB 1081, AB 1098, AB 1106, AB 1153, AB 1249, AB 1254, AB 1308, AB 1314, AB 1455, AB 1495, AB 1515, AB 1653, AB 1772.

**Revenue and Taxation**—AB 1548, AB 1556, AB 1743.

**Rules**—AB 1075, AB 1403, AB 1679, AB 1680, AB 1782.

**Transportation**—AB 327, AB 557, AB 872, AB 1104, AB 1242, AB 1303, AB 1408, AB 1717; ACR 73.

The Committee on Rules has referred the following measures to two committees:

**Business and Professions** and **Judiciary**—AB 523, AB 1265, AB 1386.

**Environmental Quality** and **Judiciary**—AB 1701.

**Governmental Organization** and **Judiciary**—AB 1209.

**Judiciary** and **Public Safety**—AB 111, AB 960.

**Public Safety** and **Judiciary**—AB 1101.

**Transportation** and **Rules**—AB 1675.

The Committee on Rules has re-referred the following measure to committee:

**Governmental Organization**—SB 669



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 17**—An act to amend Sections 64, 480.1, 480.2, and 482 of, and to add Section 471 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

**Senate Bill 117**—An act to add Part 4.9 (commencing with Section 12400) to Division 6 of the Water Code, relating to water, and making an appropriation therefor.

Bill read second time.

**Senate Bill 189**—An act relating to environmental health.

Bill read second time.

**Senate Bill 543**—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

Bill read second time.

**Senate Bill 711**—An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, May 22, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 421

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 421**—An act to add Section 109297 to the Health and Safety Code, relating to cancer, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, May 22, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 172

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 172**—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 176** was withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations****SB 96**—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Johnson, Karnette, Machado, and Murray.

NOES (0)—None.

**SB 173**—Re-refer to Committee on Rules

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 940**—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

Date of Hearing: 5/22/03

Alpert (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Ward E. Falor of Arcata.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Raymond Gill.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Dwight Thompson of Bonsall.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Robert Houlding, Sr., of Madera, Velmor Jones of Wichita, Kansas and Henry Vartanian of Fresno.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, May 23, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, May 23, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Ackerman, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro,  
Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson,  
Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Scott,  
Soto, Torlakson, and Vasconcellos—26.

Quorum present.

*(NOTE: Senators Aanestad, Alpert, Battin, Escutia, Karnette, Margett,  
Morrow, Murray, Perata, Poochigian, Romero, Sher, and Vincent will be  
excused this day on legislative business and Senator Speier will be excused  
this day on personal business.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 22, 2003

Mr. President: I am directed to inform your honorable body that the  
Assembly on this day passed:

SB 580

Above measure ordered enrolled.

## Assembly Chamber, May 22, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 214	AB 1370	AB 703	AB 1498
AB 323	AB 1430	AB 747	AB 1553
AB 650	AB 1449	AB 786	AB 1576
AB 668	AB 1570	AB 806	AB 1683
AB 679	AB 1575	AB 1192	AB 1741
AB 728	AB 1579	AB 1196	AB 1783
AB 768	AB 1594	AB 1210	AB 357
AB 807	AB 1662	AB 1262	AB 746
AB 902	AB 1724	AB 1298	AB 1059
AB 920	AB 1731	AB 1318	AB 1164
AB 943	AB 1742	AB 1366	AB 1232
AB 1008	AB 175	AB 1373	AB 1398
AB 1043	AB 274	AB 1392	AB 1399
AB 1284	AB 278	AB 1400	AB 1537
AB 1290	AB 362	AB 1418	AB 1544
AB 1306	AB 374	AB 1458	AB 1641
AB 1340	AB 527	AB 1478	AB 1774
AB 1343	AB 528	AB 1493	

## Assembly Chamber, May 22, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 27	ACR 76	ACR 99
AJR 31	AJR 32	

E. DOTSON WILSON, Chief Clerk of the Assembly

## Assembly Chamber, May 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 39

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

## Assembly Chamber, May 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 22

Above resolution ordered enrolled.

Assembly Chamber, May 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 188	AB 544	AB 1074	AB 1773
AB 294	AB 712	AB 1186	AB 1777
AB 453	AB 801	AB 1486	

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 214**—An act to add Section 1051 to the Military and Veterans Code, and to add and repeal Article 11.5 (commencing with Section 18826) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 323**—An act to amend Sections 999, 999.2, 999.7, 999.9, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans.

**Assembly Bill 650**—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

**Assembly Bill 668**—An act to amend Section 65584 of the Government Code, relating to local planning.

**Assembly Bill 679**—An act to amend Section 10229 of the Business and Professions Code, relating to real estate.

**Assembly Bill 728**—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

**Assembly Bill 768**—An act to amend Section 16 of, and to add Sections 4.5 and 9.5 to, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

**Assembly Bill 807**—An act to amend Section 1773.1 of the Labor Code, relating to public works.

**Assembly Bill 902**—An act to amend Section 4107 of the Public Contract Code, relating to public contracts.

**Assembly Bill 920**—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Section 53754 of the Government Code, relating to real estate disclosures.

**Assembly Bill 943**—An act to amend Section 12640.04 of the Insurance Code, relating to mortgage guaranty insurance.

**Assembly Bill 1008**—An act to amend Section 17213.1 of the Education Code, relating to public schools.

**Assembly Bill 1043**—An act to add and repeal Article 2.5 (commencing with Section 7076) of Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1284**—An act to add and repeal Section 80110.2 of the Water Code, relating to energy resources.

**Assembly Bill 1290**—An act to amend Sections 646.91, 836, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

**Assembly Bill 1306**—An act to amend Section 1203.1b of, and to add Section 1203.95 to, the Penal Code, relating to probation.

**Assembly Bill 1340**—An act to add Section 25355 to the Public Resources Code, relating to energy.

**Assembly Bill 1343**—An act to amend Sections 11104, 12509, 12660, and 12814.6 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1370**—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1430**—An act to amend Section 634.5 of the Unemployment Insurance Code, relating to unemployment compensation.

**Assembly Bill 1449**—An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.

**Assembly Bill 1570**—An act to amend Section 10313 of the Public Contract Code, relating to public contracts.

**Assembly Bill 1575**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1579**—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

**Assembly Bill 1594**—An act to add Section 11139.4 to the Government Code, relating to veterans.

**Assembly Bill 1662**—An act to amend Sections 260 and 15210 of, and to add Section 35103 to, the Vehicle Code, relating to vehicles.

**Assembly Bill 1724**—An act to amend Sections 11732, 12999.4, and 13000 of the Food and Agricultural Code, relating to pesticides.

**Assembly Bill 1731**—An act to add Section 1350.5 to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, and to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, 50451, 50452,

and 50453 of the Health and Safety Code, relating to buildings and housing.

**Assembly Bill 1742**—An act to amend Sections 19120, 19368, 19411, and 23114 of, to amend and renumber Section 24328 of, and to add Section 19520 to, the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 175**—An act to add Section 511.3 to the Business and Professions Code, to amend Section 1375.7 of the Health and Safety Code, to add Section 10178.4 to the Insurance Code, and to add Section 4610 to the Labor Code, relating to health care.

**Assembly Bill 274**—An act to add Section 1182.9 to the Labor Code, relating to employment.

**Assembly Bill 278**—An act to amend Section 19817 of the Business and Professions Code, relating to gaming.

**Assembly Bill 362**—An act to add Section 1346.1 to the Health and Safety Code, relating to health care service plans.

**Assembly Bill 374**—An act to add and repeal Section 31580.3 of the Government Code, relating to county employees' retirement systems.

**Assembly Bill 527**—An act to amend Section 12693.90 of the Insurance Code, relating to insurance.

**Assembly Bill 528**—An act to amend Section 1569.2 of, and to add Section 1569.6 to, the Health and Safety Code, relating to Alzheimer's disease.

**Assembly Bill 703**—An act to add Section 8315 to the Government Code, relating to racial discrimination.

**Assembly Bill 747**—An act to add Section 14105.49 to the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 786**—An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 806**—An act to amend Section 224 of the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1192**—An act to amend Section 65863 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1196**—An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

**Assembly Bill 1210**—An act to amend Sections 8201 and 8203.1 of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

**Assembly Bill 1262**—An act to add Article 5 (commencing with Section 11761) to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation insurance.

**Assembly Bill 1298**—An act to amend Sections 1771 and 1788 of, and to add Section 1788.5 to, the Health and Safety Code, relating to continuing care contracts.

**Assembly Bill 1318**—An act to amend Section 1861.025 of the Insurance Code, relating to automobile insurance.

**Assembly Bill 1366**—An act to amend Sections 47632 and 47635 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1373**—An act to add Section 9306 to the Welfare and Institutions Code, relating to seniors.

**Assembly Bill 1392**—An act to amend Section 2220.05 of the Business and Professions Code, relating to medical services.

**Assembly Bill 1400**—An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

**Assembly Bill 1418**—An act to amend Section 27 of the Business and Professions Code, and to amend Section 1775 of the Labor Code, relating to labor.

**Assembly Bill 1458**—An act to add Section 18640.5 to the Business and Professions Code, relating to boxing.

**Assembly Bill 1478**—An act to add Section 14999.37 to the Government Code, relating to economic development.

**Assembly Bill 1493**—An act to add Section 287 to the Penal Code, relating to human remains.

**Assembly Bill 1498**—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1553**—An act to amend Sections 9855 and 9855.2 of the Business and Professions Code, relating to service contracts.

**Assembly Bill 1576**—An act to amend Sections 19210, 19212, 19213, 19214, 19215, and 19216 of, and to add Sections 19212.5 and 19218 to, the Health and Safety Code, relating to water heaters.

**Assembly Bill 1683**—An act to amend Section 1596.859 of, and to add Section 1596.817 to, the Health and Safety Code, relating to child day care.

**Assembly Bill 1741**—An act to amend Sections 8102, 8103, 8104, and 13563 of, and to add and repeal Section 6487.06 of, the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1783**—An act to repeal Section 66756 of the Education Code, relating to public postsecondary education.

**Assembly Bill 357**—An act to add Section 103526.7 to the Health and Safety Code, relating to death certificates.

**Assembly Bill 746**—An act to add Section 490.7 to the Business and Professions Code, relating to the healing arts.

**Assembly Bill 1059**—An act to amend Section 1942.5 of the Civil Code, relating to landlord and tenant.

**Assembly Bill 1164**—An act to amend Section 2892.3 of the Public Utilities Code, relating to telecommunications.

**Assembly Bill 1232**—An act to amend Sections 12001 and 12071 of, and to add Section 12041 to, the Penal Code, relating to firearms.

**Assembly Bill 1398**—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1399**—An act to amend Section 1786.20 of the Civil Code, relating to investigative consumer reports.

**Assembly Bill 1537**—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

**Assembly Bill 1544**—An act to add Section 4004 to the Elections Code, relating to elections.

**Assembly Bill 1641**—An act to amend Section 68115 of the Government Code, relating to courts.

**Assembly Bill 1774**—An act to amend Sections 261, 772, 1500, 1560, 1808, 1900, 4839, 4843, 4946, 8152, 14250, 14354, 16151, 16701, 31507, and 33903 of, to amend and renumber Sections 4879.12, 4879.13, and 4879.135 of, and to repeal Section 8012 of, the Financial Code, relating to financial institutions.

**Assembly Concurrent Resolution 27**—Relative to Memorial Day.

**Assembly Concurrent Resolution 76**—Relative to California Firefighters' Memorial.

**Assembly Concurrent Resolution 99**—Relative to Groundwater Awareness Month.

**Assembly Joint Resolution 31**—Relative to Assyrians in Iraq.

**Assembly Joint Resolution 32**—Relative to medicaid.

**Assembly Bill 188**—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

**Assembly Bill 294**—An act to amend Section 46300.8 of the Education Code, relating to schools.

**Assembly Bill 453**—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

**Assembly Bill 544**—An act to amend Section 7026.1 of the Business and Professions Code, relating to contractors.

**Assembly Bill 712**—An act to add Section 130051.22 to the Public Utilities Code, relating to transportation.

**Assembly Bill 801**—An act to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of the Business and Professions Code, relating to physicians and surgeons.

**Assembly Bill 1074**—An act to add Section 18713 to the Business and Professions Code, relating to boxing.

**Assembly Bill 1186**—An act to amend Section 19984 of the Business and Professions Code, relating to gambling.

**Assembly Bill 1486**—An act relating to public contracts.

**Assembly Bill 1773**—An act to amend Section 1524 of the Penal Code, relating to search warrants.

**Assembly Bill 1777**—An act to amend Sections 2475.3, 2481, 2483, 2484, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Senate Chamber, May 22, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 71

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which was referred:  
SB 321

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 582            ACR 2            ACR 7            ACR 17  
ACR 19            ACR 30            ACR 38

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

MURRAY, Chair

Above measures ordered to second reading.

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AB 812

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bill ordered to second reading.

**Committee on Rules**

Senate Chamber, May 23, 2003

Mr. President: The Committee on Rules has examined:  
SB 580

And reports that the same has been correctly enrolled, and presented to the Governor on the 23rd day of May, 2003, at 10:30 a.m.

BURTON, Chair

Senate Chamber, May 23, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 525

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Bill 525**—An act relating to education funding.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, May 23, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 625

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments****Assembly Bill 625**—An act to add Section 22658.3 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Constitutional Amendments**

Date of Hearing, May 21, 2003

Mr. President: The Committee on Constitutional Amendments, to which was referred:

SCA 1

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

POOCHIGIAN, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Date of Hearing, May 19, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 420

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, May 21, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 619

SB 708

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

#### MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 1040, SB 1041, SB 1042, SB 1043, SB 1044, SB 1045, SB 1046, SB 1047, SB 1048, SB 1049, SB 1050, SB 1051, SB 1052, SB 1053, SB 1054, SB 1055, SB 1056, SB 1057, and SB 1058** were withdrawn from committee and placed on file.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Bill 506**—An act to amend Section 4164 of the Business and Professions Code, relating to pharmaceuticals.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1022**—An act to add Title 2.97 (commencing with Section 1812.700) to Part 4 of Division 3 of the Civil Code, relating to debt collection.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 734**—An act to amend Sections 3027.5 and 3040 of, and to add Section 3100.5 to, the Family Code, relating to child custody.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 186**—An act to amend Section 17538.4 of, and to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, relating to privacy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Constitutional Amendment 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article V thereof, relating to the Governor.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 30**—An act to amend Sections 7030 and 7151.2 of, to add Sections 7159.4, 7159.5, 7159.6, 7159.7, and 7159.9 to, to repeal Section 7018.5 of, and to repeal and add Sections 7159 and 7159.3 of, the Business and Professions Code, and to amend Sections 1689.5, 1689.6, and 1689.7

of, and to repeal and add Section 1689.13 of, the Civil Code, relating to home improvement contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 177**—An act relating to school finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 238**—An act to amend Sections 666.7, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 294**—An act to amend Sections 2850, 2851, 2852, 2853, 2854, 2855, and 17200 of, and to repeal Section 2856 of, the Probate Code, relating to conservators, guardians, and trustees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 489**—An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 584**—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 599**—An act to add Section 851.90 to the Penal Code, relating to drug diversion.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1008**—An act to amend Sections 999 and 999.9 of, and to add Section 999.14 to, the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1026**—An act to add Section 32501.5 to the Food and Agricultural Code, relating to milk.

Bill read second time, ordered engrossed, and to third reading.

**Senate Concurrent Resolution 17**—Relative to highways.

Resolution read second time, ordered engrossed, and to third reading.

**Senate Bill 457**—An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers’ compensation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 96**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 940**—An act to amend Section 1463.010 of the Penal Code, relating to courts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 176**—An act to add Section 11752.9 to the Insurance Code, relating to workers’ compensation insurance.

Bill read second time, ordered engrossed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill 1007**—An act to amend Section 11656.6 of the Insurance Code, relating to workers’ compensation.

Bill read third time.

**Amendments Adopted**

Amendments to SB 1007 proposed by Senator Speier were read and adopted and the measure ordered printed, engrossed, and to second reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on May 29:

- |        |         |        |
|--------|---------|--------|
| SB 801 | SB 30   | SB 457 |
| SB 452 | SB 1008 | SB 940 |
| SB 285 | SB 1026 | SCR 17 |

**SENATE COMMITTEE ROLL CALLS**

**Committee on Transportation**

**SB 321**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

**AB 301**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (1)—Senator McClintock.

**AB 582—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 812—Do pass**

AYES (8)—Senators Ashburn, Figueroa, Florez, Karnette, Murray, Perata, Soto, and Torlakson.

NOES (3)—Senators Brulte, McClintock, and Morrow.

**ACR 2—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 7—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 17—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 19—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 30—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 38—Do pass, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 39—Do pass as amended, to Consent Calendar**

AYES (11)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Soto, and Torlakson.

NOES (0)—None.

**ACR 40—Do pass as amended**

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Brulte, McClintock, and Morrow.

Date of Hearing: 5/22/03

Murray (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alpert, Battin, Escutia (waives per diem), Karnette, Margett, Morrow, Murray, Perata, Poochigian, Romero, Sher, and Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Tuesday, May 27, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-NINETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, May 27, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,  
McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto,  
Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

*(NOTE: Senators Escutia and Romero will be excused this day on legislative business, Senator Ortiz will be excused this day due to illness, and Senator Margett will be excused this day due to jury duty.)*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Senate Chamber, May 27, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

ACR 16

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, May 27, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

AB 79

AB 360

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 79**—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 360**—An act to amend Section 330b of the Penal Code, relating to gaming.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, May 27, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 18

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

Date of Hearing, May 27, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 750

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

KUEHL, Chair

Above measure re-referred to the Committee on Environmental Quality.

**Committee on Transportation**

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which was referred:

ACR 39

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Date of Hearing, May 21, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 520

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, May 27, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 195

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 195**—An act to amend Sections 51890 and 51913 of the Education Code, relating to health education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, May 21, 2003

Mr. President: The Committee on Education, to which was referred:

AB 97

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 32:** By Senators Johnson, Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian—Relative to the 25th anniversary of Proposition 13.

**Senate Concurrent Resolution 33:** By Senator Speier—Relative to the Joint Rules.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read second time.

The amendments proposed by the Committee on Constitutional Amendments were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 420**—An act to add Article 2.5 (commencing with Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 708**—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend Section 42001.2 of, and to add Section 2814.1 to, the Vehicle Code, relating to air pollution.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1040**—An act relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1041**—An act relating to health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1042**—An act relating to public social services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1043**—An act relating to public social services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1044**—An act relating to developmental services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1045**—An act relating to mental health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1046**—An act relating to alcohol and drug programs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1047**—An act relating to the Department of Fish and Game.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1048**—An act relating to the State Air Resources Board.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1049**—An act relating to pesticides.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1050**—An act relating to the Department of Water Resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1051**—An act relating to motor vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1052**—An act relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1053**—An act relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1054**—An act relating to juveniles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1055**—An act relating to the Department of Corrections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1056**—An act relating to administration of state government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1057**—An act relating to trial court funding.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1058**—An act to amend Section 95 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1007**—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

#### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 582**—An act to add Section 35715.1 to the Vehicle Code, relating to vehicle weight limits.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 2**—Relative to the William H. Lancaster Memorial Freeway.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 7**—Relative to California Highway Patrol Officer Don J. Burt Memorial Highway.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 17**—Relative to highways.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 19**—Relative to Joash E. Paul Memorial Highway.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 30**—Relative to William "Bill" Lehn Memorial Highway.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Concurrent Resolution 38**—Relative to Thomas E. Burnett, Jr. Memorial Bridge.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

Bill read second time, ordered engrossed, and to third reading.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **ACR 2, ACR 7, ACR 17, ACR 19, ACR 30,** and **ACR 38** were referred to the Committee on Appropriations.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 525** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

**AJR 29** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 525 to be heard in the Committee on Appropriations on May 29 without two days notice in the file.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Natural Resources and Wildlife**

**SB 18**—Do pass

AYES (6)—Senators Alpert, Bowen, Hollingsworth, Kuehl, Sher, and Torlakson.

NOES (1)—Senator Oller.

**SB 233**—Do pass as amended

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (3)—Senators Bowen, Kuehl, and Sher.

Failed Passage

**SB 233**—Reconsideration granted

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

**SB 750**—Do pass and re-refer to Committee on Environmental Quality

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**SB 994**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

Date of Hearing: 5/27/03

Kuehl (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Escutia (waives per diem) and Romero.

The following Senator was granted leave of absence for the day due to illness: Senator Ortiz.

The following Senator was granted leave of absence for the day due to jury duty: Senator Margett.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 28, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTIETH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, May 28, 2003

The Senate met at 9 a.m.  
Hon. Bruce McPherson, of the 15th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—36.  
Quorum present.

*(NOTE: Senators Escutia, Florez, and Romero will be excused this day on legislative business and Senator Speier will be excused this day due to illness.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 15, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1141

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, May 27, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 16

Above resolution ordered enrolled.

Assembly Chamber, May 27, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 14	AB 627	AB 1118	AB 1476
AB 81	AB 719	AB 1156	AB 1492
AB 245	AB 731	AB 1169	AB 1525
AB 259	AB 828	AB 1173	AB 1541
AB 302	AB 852	AB 1201	AB 1688
AB 334	AB 909	AB 1283	AB 1702
AB 482	AB 942	AB 1287	AB 1723
AB 540	AB 1012	AB 1369	AB 1771
AB 560	AB 1038	AB 1402	
AB 618	AB 1092	AB 1409	

Assembly Chamber, May 27, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 105

AJR 28

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 1141**—An act to amend Section 3502.5 of the Government Code, relating to employer-employee relations.

**Assembly Bill 14**—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

**Assembly Bill 81**—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

**Assembly Bill 245**—An act to add Section 243.83 to the Penal Code, relating to crimes.

**Assembly Bill 259**—An act to add Section 243.88 to the Penal Code, relating to battery.

**Assembly Bill 302**—An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

**Assembly Bill 334**—An act to amend Section 116786 of the Health and Safety Code, relating to water.

**Assembly Bill 482**—An act to amend Sections 5080.05 and 5080.17 of, and to add Section 5080.22 to, the Public Resources Code, relating to state parks.

**Assembly Bill 540**—An act to add Section 103265 to the Health and Safety Code, relating to vital statistics.

**Assembly Bill 560**—An act to amend Section 37670 of the Education Code, relating to school programs.

**Assembly Bill 618**—An act to add Section 5077 to the Vehicle Code, relating to vehicles.

**Assembly Bill 627**—An act to amend Section 5096.686 of the Public Resources Code, relating to land use.

**Assembly Bill 719**—An act to add Section 20909 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

**Assembly Bill 731**—An act to amend Section 13146.2 of the Health and Safety Code, relating to fire safety.

**Assembly Bill 828**—An act to add Section 14299.5 to the Elections Code, relating to election day procedures.

**Assembly Bill 852**—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

**Assembly Bill 909**—An act to add Section 2898 to the Public Utilities Code, relating to telecommunications.

**Assembly Bill 942**—An act to add Section 49414.5 to the Education Code, relating to pupil health.

**Assembly Bill 1012**—An act to add Section 48906.5 to the Education Code, relating to public schools.

**Assembly Bill 1038**—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

**Assembly Bill 1092**—An act to amend Section 1749.5 of, and to add Section 1749.45 to, the Civil Code, and to amend Section 1520.5 of the Code of Civil Procedure, relating to gift certificates.

**Assembly Bill 1118**—An act to add Section 5076 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1156**—An act to amend Sections 3501, 3507, and 3509 of the Government Code, relating to employer-employee relations.

**Assembly Bill 1169**—An act to amend Section 366.1 of the Public Utilities Code, relating to electric power.

**Assembly Bill 1173**—An act to amend Section 798.21 of the Civil Code, relating to mobilehomes.

**Assembly Bill 1201**—An act to add Sections 14132.27 and 14132.28 to the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 1283**—An act to add and repeal Article 17 (commencing with Section 18881) of Chapter 3 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1287**—An act to amend Section 798.71 of, and add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

**Assembly Bill 1369**—An act to add Section 1569.6 to the Health and Safety Code, relating to health facilities.

**Assembly Bill 1402**—An act to amend Section 11265.3 of the Welfare and Institutions Code, relating to CalWORKs.

**Assembly Bill 1409**—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1476**—An act to amend Section 5019.65 of the Public Resources Code, relating to public resources.

**Assembly Bill 1492**—An act to amend Section 51257 of, and to add Section 51282.1 to, the Government Code, relating to agricultural land conservation.

**Assembly Bill 1525**—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

**Assembly Bill 1541**—An act to amend Section 13385 of the Water Code, relating to water.

**Assembly Bill 1688**—An act to add Part 8.5 (commencing with Section 2050) to Division 2 of the Labor Code, relating to car washes.

**Assembly Bill 1702**—An act to amend Sections 25281, 25288, 25292, 25293, 25295, 25295.5, 25298, and 25299 of, and to add Section 25280.6 to, the Health and Safety Code, relating to underground storage tanks.

**Assembly Bill 1723**—An act to amend Section 1401 of the Labor Code, relating to employment.

**Assembly Bill 1771**—An act to amend Section 11361 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

**Assembly Concurrent Resolution 105**—Relative to California Travel and Tourism Month.

**Assembly Joint Resolution 28**—Relative to first responders.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Senate Chamber, May 28, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 537

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 537**—An act to add Section 44013 to the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, May 28, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 405

SB 791

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

VINCENT, Chair

Above measures ordered filed with the Secretary of the Senate.

**Committee on Rules**

Senate Chamber, May 28, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 894

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 894**—An act relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, May 28, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 1386

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1386**—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, May 28, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 296

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 296**—An act to add Section 17215.3 to the Education Code, relating to school facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which was referred:

AB 301

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Budget and Fiscal Review**

Date of Hearing, May 28, 2003

Mr. President: The Committee on Budget and Fiscal Review, to which was referred:

SB 976

Reports the same back with the recommendation: Do pass.

CHESBRO, Chair

Above bill ordered to second reading.

#### **Committee on Rules**

State Capitol, May 28, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

William B. Kolender, Member, Board of Corrections (4-0)

Terry D. Lee, Member, Board of Corrections (4-0)

Gary W. Mann, Member, Board of Corrections (4-0)

Billy J. Nettles, Member, Board of Corrections (4-0)

Donald R. Sheetz, Member, Board of Corrections (4-0)

Alvin J. Ducheny, Member, State Athletic Commission (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 704 to be heard in the Committee on Appropriations on May 29 without two days notice in the file.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 704** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Appropriations.

#### **CONSIDERATION OF DAILY FILE**

##### **SECOND READING OF SENATE BILLS**

**Senate Bill 18**—An act to amend Section 5097.94 of the Public Resources Code, relating to Native American sacred places, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

##### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Concurrent Resolution 16**—Relative to nutrition.

Resolution read second time, and ordered to third reading.

**Assembly Concurrent Resolution 39**—Relative to the San Francisco-Oakland Bay Bridge.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 520**—An act to amend Section 56886 of, and to add Section 57202.1 to, the Government Code, relating to local agency reorganization.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and to third reading.

**Assembly Bill 97**—An act to amend Section 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Escutia (waives per diem), Florez, and Romero.

The following Senator was granted leave of absence for the day due to illness: Senator Speier.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Jim Henderson of Westlake Village.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Dr. James Ducasse of Santa Cruz.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Michael Lowman of Sacramento.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Thursday, May 29, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY–FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, May 29, 2003

The Senate met at 9:45 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Almighty God*, In Whose perfect kingdom no sword is drawn but the sword of righteousness, no strength known but the strength of love: So spread Your Spirit, that all peoples may be gathered under the banner of Peace, as children of You Who are known by many names; to Whom be dominion and glory, now and for ever.—Amen.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Machado led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, May 28, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 185, AB 815, AB 1725.

**Banking, Commerce and International Trade**—AB 1613.

**Business and Professions**—AB 138, AB 382, AB 548, AB 652, AB 663, AB 665, AB 827, AB 1087, AB 1382, AB 1423, AB 1467, AB 1739.

**Education**—AB 399, AB 424, AB 774, AB 781, AB 956, AB 1010, AB 1070, AB 1573, AB 1649, AB 1778; ACR 31.

**Elections and Reapportionment**—AB 255, AB 915, AB 1678.

**Energy, Utilities and Communications**—AB 1214.

**Environmental Quality**—AB 677, AB 1255, AB 1367, AB 1545, AB 1700.

**Governmental Organization**—AB 509, AB 687, AB 701, AB 716, AB 722, AB 846, AB 864, AB 1211, AB 1505.

**Health and Human Services**—AB 376, AB 464, AB 1413, AB 1738.

**Housing and Community Development**—AB 218.

**Insurance**—AB 226, AB 1083.

**Judiciary**—AB 262, AB 309, AB 903, AB 961, AB 964, AB 1096, AB 1361, AB 1469, AB 1516, AB 1536, AB 1705, AB 1712, AB 1715; AJR 9.

**Labor and Industrial Relations**—AB 276, AB 899, AB 1506, AB 1719.

**Local Government**—AB 35, AB 706, AB 838, AB 878, AB 1090, AB 1347, AB 1410, AB 1634.

**Natural Resources and Wildlife**—AB 1019.

**Public Employment and Retirement**—AB 144, AB 212, AB 266, AB 475, AB 933, AB 1362, AB 1584, AB 1585, AB 1587, AB 1606.

**Public Safety**—AB 141, AB 836, AB 945, AB 976, AB 1046, AB 1055, AB 1105, AB 1273, AB 1277, AB 1436, AB 1438, AB 1488.

**Revenue and Taxation**—AB 132, AB 1065.

**Rules**—AB 569, AB 901.

**Transportation**—AB 377, AB 427, AB 710, AB 762, AB 773, AB 813, AB 1238, AB 1555, AB 1618, AB 1697.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources and Environmental Quality**—AB 314.

**Banking, Commerce and International Trade and Judiciary**—AB 73, AB 1776.

**Business and Professions and Judiciary**—AB 534.

**Education and Judiciary**—AB 666, AB 833.

**Education and Rules**—AB 780.

**Energy, Utilities and Communications and Judiciary**—AB 1329.

**Environmental Quality and Judiciary**—AB 1020.

**Environmental Quality and Natural Resources and Wildlife**—AB 1405.

**Environmental Quality and Rules**—AB 594.

**Governmental Organization and Rules**—AB 669.

**Health and Human Services and Environmental Quality**—AB 390.

**Health and Human Services and Insurance**—AB 373.

**Health and Human Services and Judiciary**—AB 348, AB 1371.

**Labor and Industrial Relations and Judiciary**—AB 1397.

**Local Government and Housing and Community Development**—AB 518.

**Public Safety and Health and Human Services**—AB 1530.

**Public Safety and Public Employment and Retirement**—AB 359.

**Transportation and Environmental Quality**—AB 13.

**Transportation and Judiciary**—AB 1625, AB 1718.

**Transportation and Public Safety**—AB 1009.

The Committee on Rules has re-referred the following measures to committee:

**Energy, Utilities and Communications**— SB 173.

**Health and Human Services and Budget and Fiscal Review**—SB 767.

**Public Employment and Retirement**—AJR 29.

#### **REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Bowen:

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(3) and (a)(4) and 62(a) in order that SB 173 may be reported by the Committee on Energy, Utilities and Communications after the deadline.

SENATOR BOWEN

#### **Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

#### **RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a) (3) and (a)(4) and 62(a) be dispensed with as requested.

Resolution read and presented by Senator Knight.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote.

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **UNANIMOUS CONSENT TO READ BILLS A SECOND TIME**

Without objection, all Senate Bills reported “Do Pass” from the Committee on Appropriations and SB 53 (the Senate Budget Bill) will be given their second reading upon being reported from committee.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 976**—An act relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 301**—An act to amend Section 27602 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**RE-REFERENCE TO COMMITTEE**

Without objection, **SB 304** was referred to the Committee on Rules.

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Alpert moved that **SB 97** be placed on the inactive file.

Motion carried.

**MOTION TO TAKE MEASURE FROM THE INACTIVE FILE**

Senator Alpert moved that **SB 252** be taken from the inactive file and placed on the second reading file.

Motion carried.

**THIRD READING OF SENATE BILLS**

**Senate Bill 27**—An act to amend Sections 1798.80 and 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES** (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES** (13)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 515**—An act to add Section 425.17 to the Code of Civil Procedure, relating to civil actions.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 677**—An act to amend Section 49431 of the Education Code, relating to schools.

Bill read third time and presented by Senator Ortiz.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Ortiz moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 1034**—An act to add Title 10 (commencing with Section 2500) to Part 4 of Division 3 of the Civil Code, relating to contracts.

Bill read third time and presented by Senator Murray.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Murray moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 850**—An act to amend Section 12957 of the Insurance Code, relating to the Insurance Commissioner.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (17)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 265**—An act to amend Section 3044 of the Family Code, relating to child custody.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 766**—An act to amend Section 25500 of the Corporations Code, relating to corporations.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was refused passage by the following vote:

AYES (11)—Senators Alarcón, Burton, Cedillo, Dunn, Escutia, Florez, Kuehl, Ortiz, Romero, Soto, and Vincent.

NOES (25)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Denham, Figueroa, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, Perata, Poochigian, Scott, Sher, Speier, Torlakson, and Vasconcellos.

**Motion to Reconsider**

Senator Florez moved to reconsider the vote whereby SB 766 was refused passage:

**Roll Call**

The roll was called and the motion carried by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 1034)**

On motion of Senator Murray, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 1034 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Escutia, Florez, Karnette, Kuehl, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**Senator Bowen Presiding****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 260**—An act to amend Section 1367 of the Health and Safety Code, relating to health care.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 261**—An act to amend Section 1375.4 of, and to add Sections 1375.9, 1375.10, 1375.11, and 1375.12 to, the Health and Safety Code, relating to health care service plans.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Senate Bill 401**—An act to amend Section 9410 of the Government Code, relating to legislative committee hearings.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Dunn, Hollingsworth, Johnson, Knight, Margett, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 418**—An act to repeal and add Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 478**—An act to add Section 230.2 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 598**—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette,

Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 686**—An act to amend Section 674.6 of, to add Section 674.8 to, and to add Chapter 5 (commencing with Section 11890) to Part 3 of Division 2 of, the Insurance Code, relating to long-term health care facilities.

Bill read third time and presented by Senator Ortiz.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### Senator Burton Presiding

**Senate Bill 707**—An act to add Section 21151.3 to the Public Resources Code, relating to environmental quality.

Bill read third time and presented by Senator Florez.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Chesbro, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 663**—An act to amend Section 3704.7 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Speier.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette,

Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

### UNFINISHED BUSINESS

#### Consideration of Assembly Amendments

**Senate Bill 39**—An act relating to the Oakland Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 39?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 796**—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Dunn.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 833**—An act to add Section 6533 to the Government Code and to amend Section 1011.5 of the Water Code, relating to water.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 855**—An act to add Section 1516 to, and to add and repeal Sections 1516.1, 1516.2, and 1516.3 of, the Health and Safety Code, relating to care facilities.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 868**—An act to amend Section 1776 of the Labor Code, relating to public works.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1025**—An act to amend Section 12955.1 of the Government Code, relating to fair housing.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 193**—An act to add Chapter 15.3 (commencing with Section 67370) to Part 40 of the Education Code, relating to postsecondary education.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Soto, Speier, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 292**—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 334**—An act to amend Sections 605, 705, and 706 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 610**—An act to amend Section 12302 of, and to repeal and add Section 12309 of, the Elections Code, relating to elections.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1016**—An act to amend Section 30101.7 of the Revenue and Taxation Code, relating to tobacco.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 970**—An act to add Sections 11077.1 and 11077.2 to, and to amend Section 11077 of, the Penal Code, relating to criminal offender record information.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 191**—An act to amend Sections 11735, 11736, and 11737 of, and to add Sections 11732.7, 11732.8, 11735.5, and 11742 to, the Insurance Code, relating to workers' compensation insurance.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 578**—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)**  
**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

William B. Kolender, Member, Board of Corrections.  
Terry D. Lee, Member, Board of Corrections.  
Gary W. Mann, Member, Board of Corrections.  
Billy J. Nettles, Member, Board of Corrections.  
Donald R. Sheetz, Member, Board of Corrections.  
Alvin J. Ducheny, Member, State Athletic Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Perata, Pochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 1040**—An act relating to Medi-Cal.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1041**—An act relating to health.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1042**—An act relating to public social services.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1043**—An act relating to public social services.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1044**—An act relating to developmental services.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1045**—An act relating to mental health.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1046**—An act relating to alcohol and drug programs.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1047**—An act relating to the Department of Fish and Game.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1048**—An act relating to the State Air Resources Board.  
Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1049**—An act relating to pesticides.  
Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1050**—An act relating to the Department of Water Resources.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1051**—An act relating to motor vehicles.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1052**—An act relating to transportation.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1053**—An act relating to transportation.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1054**—An act relating to juveniles.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1055**—An act relating to the Department of Corrections.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1056**—An act relating to administration of state government.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1057**—An act relating to trial court funding.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1058**—An act to amend Section 95 of the Revenue and Taxation Code, relating to local government finance.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**RECESS**

At 12:16 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 12:24 p.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 177**—An act relating to school finance.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 177 pursuant to Joint Rule 58.

SENATOR JOHNSON

**Permission of Rules Committee**

Senate Chamber, May 29, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 177.

BURTON, Chair

**Amendments Adopted**

Amendments to SB 177 proposed by Senator Johnson were read and adopted and the measure ordered printed, engrossed, and to second reading.

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Escutia moved that **SB 805** be placed on the inactive file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 677)**

On motion of Senator Ortiz, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 677 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**MOTION TO WITHDRAW FROM COMMITTEE**

Senator Burton moved that **ACR 27, ACR 76, ACR 90, ACR 98, ACR 99, and ACR 101** be withdrawn from the Committee on Rules and placed on today's Special Consent Calendar.

Motion carried.

**CONSENT CALENDAR****Objection Raised**

Senator Hollingsworth objected to **SB 457** being on the Special Consent Calendar.

The President ordered the above measure placed on the third reading file.

**Assembly Bill 582**—An act to add Section 35715.1 to the Vehicle Code, relating to vehicle weight limits.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Assembly Concurrent Resolution 27**—Relative to Memorial Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 76**—Relative to California Firefighters' Memorial.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 90**—Relative to Asian and Pacific Islander Mental Health Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 98**—Relative to Arthritis Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 99**—Relative to Groundwater Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 101**—Relative to recognizing May 2003 as Asian and Pacific Islander American Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 801**—An act to repeal and add Section 51220.3 to the Education Code, relating to instruction.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 452**—An act to amend Sections 89260 and 89260.5 of, and to repeal Section 89260.7 of, the Education Code, relating to the California State University.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 285**—An act to amend, repeal, and add Section 18533 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 30**—An act to amend Sections 7030 and 7151.2 of, to add Sections 7159.4, 7159.5, 7159.6, 7159.7, and 7159.9 to, to repeal Section 7018.5 of, and to repeal and add Sections 7159 and 7159.3 of, the Business and Professions Code, and to amend Sections 1689.5, 1689.6, and 1689.7 of, and to repeal and add Section 1689.13 of, the Civil Code, relating to home improvement contracts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1008**—An act to amend Sections 999 and 999.9 of, and to add Section 999.14 to, the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1026**—An act to add Section 32501.5 to the Food and Agricultural Code, relating to milk.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 17**—Relative to highways.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 940**—An act to amend Section 1463.010 of the Penal Code, relating to courts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (40)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**REQUESTS TO BE ADDED TO ROLL CALL**

May 29, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 191—Aye	SB 1025—Aye	SB 598—Aye
SB 1016—Aye	SB 610—Aye	

JOHN L BURTON, President pro Tempore

May 29, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 265—No	SB 401—Aye	SB 478—No
SB 796—No	SB 1025—No	SB 193—No
SB 292—No	SB 610—No	SB 1016—No
SB 191—No	SB 578—No	Gov. Appt.—Aye
SB 1040—No	SB 1041—No	SB 1042—No
SB 1043—No	SB 1044—No	SB 1045—No
SB 1046—No	SB 1047—No	SB 1048—No
SB 1049—No	SB 1050—No	SB 1051—No
SB 1052—No	SB 1053—No	SB 1054—No
SB 1055—No	SB 1056—No	SB 1057—No
SB 1058—No		

JAMES L. BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 12:25 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, June 2, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 29

Above resolution ordered enrolled.

Assembly Chamber, May 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 6	AB 922	AB 1586	AB 845
AB 30	AB 985	AB 1599	AB 869
AB 108	AB 986	AB 1631	AB 941
AB 134	AB 1036	AB 1647	AB 954
AB 158	AB 1061	AB 1668	AB 1022
AB 189	AB 1068	AB 1736	AB 1076
AB 235	AB 1130	AB 1744	AB 1133
AB 243	AB 1131	AB 45	AB 1197
AB 319	AB 1199	AB 72	AB 1247
AB 402	AB 1300	AB 170	AB 1274
AB 493	AB 1326	AB 187	AB 1301
AB 502	AB 1353	AB 236	AB 1304
AB 616	AB 1368	AB 408	AB 1324
AB 638	AB 1394	AB 413	AB 1337
AB 653	AB 1428	AB 444	AB 1433
AB 718	AB 1442	AB 513	AB 1504
AB 753	AB 1475	AB 608	AB 1601
AB 808	AB 1483	AB 688	AB 1669
AB 866	AB 1499	AB 691	AB 1721
AB 900	AB 1572	AB 777	

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 6**—An act to amend Section 653w of the Penal Code, relating to crime.

**Assembly Bill 30**—An act to add Section 12693.756 to the Insurance Code, relating to health care coverage.

**Assembly Bill 108**—An act to amend Section 664 of the Penal Code, relating to attempted murder.

**Assembly Bill 134**—An act to amend Section 273.5 of the Penal Code, relating to crime.

**Assembly Bill 158**—An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

**Assembly Bill 189**—An act to add Section 6363.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 235**—An act relating to school transportation.

**Assembly Bill 243**—An act to amend Section 19827.5 of the Government Code, relating to state employees, to take effect immediately, tax levy.

**Assembly Bill 319**—An act to amend Section 12021 of the Penal Code, relating to firearms.

**Assembly Bill 402**—An act to amend Sections 290 and 311.11 of the Penal Code, relating to child pornography.

**Assembly Bill 493**—An act to amend Section 50650.3 of the Health and Safety Code, relating to housing.

**Assembly Bill 502**—An act to add Section 9029.7 to the Government Code, relating to the Legislature.

**Assembly Bill 616**—An act to add Section 22854.5 to the Vehicle Code, relating to vehicles.

**Assembly Bill 638**—An act to add Section 13353.42 to the Vehicle Code, relating to vehicles.

**Assembly Bill 653**—An act to amend Section 15814.15 of the Government Code, relating to energy efficiency.

**Assembly Bill 718**—An act to amend Sections 1301, 4000, 9283, 9285, 13113, 17100, and 17304 of, to repeal Section 1502 of, and to repeal and add Sections 1500 and 1501 of, the Elections Code, relating to elections.

**Assembly Bill 753**—An act relating to state agencies.

**Assembly Bill 808**—An act to enact the Energy Code, and to amend Sections 11550 and 12800 of the Government Code, relating to energy.

**Assembly Bill 866**—An act to amend Section 30947 of the Public Resources Code and to amend Section 79543 of the Water Code, relating to water quality.

**Assembly Bill 900**—An act to amend Section 19617 of, and to add and repeal Section 19441.5 of, the Business and Professions Code, relating to horse racing.

**Assembly Bill 922**—An act to amend Section 63040 of the Government Code, relating to economic development.

**Assembly Bill 985**—An act to add Section 23109.1 to the Vehicle Code, relating to Vehicles.

**Assembly Bill 986**—An act to add Section 38 to the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1036**—An act to amend Sections 987.65 and 988.4 of the Military and Veterans Code, relating to veterans.

**Assembly Bill 1061**—An act to amend Sections 10200, 10201, and 10205 of the Unemployment Insurance Code, relating to unemployment insurance.

**Assembly Bill 1068**—An act to amend Section 15399.21 of the Government Code, relating to underground storage tanks, and making an appropriation therefor.

**Assembly Bill 1130**—An act to amend Section 6254 of the Government Code, and to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2, of the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1131**—An act to amend Section 368 of the Penal Code, relating to crime.

**Assembly Bill 1199**—An act to amend Section 2 of Chapter 1338 of the Statutes of 1989, as amended by Section 1 of Chapter 306 of the Statutes of 1993, relating to local government finance.

**Assembly Bill 1300**—An act to add Chapter 12 (commencing with Section 79590) to Division 26.5 of the Water Code, relating to water.

**Assembly Bill 1326**—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

**Assembly Bill 1353**—An act to add Section 13269.1 to the Water Code, relating to water.

**Assembly Bill 1368**—An act to add Section 16724.4 to the Government Code, relating to bonds.

**Assembly Bill 1394**—An act to amend Section 44295 of the Health and Safety Code, relating to air pollution.

**Assembly Bill 1428**—An act to amend Section 20092 of the Government Code, relating to public employees' benefits.

**Assembly Bill 1442**—An act to add and repeal Section 3000.07 of the Penal Code, relating to parole.

**Assembly Bill 1475**—An act to amend Section 53533 of the Health and Safety Code, and to amend Section 5814 of the Welfare and Institutions Code, relating to housing.

**Assembly Bill 1483**—An act to add Sections 139.7, 139.71, 139.72, 139.73, and 139.74 to the Labor Code, relating to workers' compensation.

**Assembly Bill 1499**—An act to amend Section 311.11 of the Penal Code, relating to child pornography.

**Assembly Bill 1572**—An act to amend Sections 18070, 18070.2, 18070.3, and 18070.5 of, and to add Sections 18070.6 and 18070.7 to, the Health and Safety Code, relating to manufactured housing, and making an appropriation therefor.

**Assembly Bill 1586**—An act to amend Section 22115 of the Education Code, relating to state teachers' retirement

**Assembly Bill 1599**—An act to amend , add, and repeal section 14571 of, and to add and repeal section 14571.05 of, the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

**Assembly Bill 1631**—An act to amend Section 17071.46 of the Education Code, relating to public schools.

**Assembly Bill 1647**—An act to add and repeal Section 17357.5 to the Education Code, relating to public schools.

**Assembly Bill 1668**—An act to amend Sections 8278.3, 54745, and 54749 of the Education Code, relating to child care funding.

**Assembly Bill 1736**—An act to amend Sections 987.71 and 987.775 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

**Assembly Bill 1744**—An act to amend Section 15606 of the Government Code, and to amend Sections 271, 441, and 442 of the Revenue and Taxation Code, relating to property tax.

**Assembly Bill 45**—An act to add Section 23123 to the Vehicle Code, relating to vehicles.

**Assembly Bill 72**—An act to amend Sections 8212 and 8226 of the Education Code, and to amend Sections 1596.853, 1596.859, and 1596.890 of, and to add Sections 1596.773 and 1596.8891 to, the Health and Safety Code, relating to child care.

**Assembly Bill 170**—An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.

**Assembly Bill 187**—An act to add Sections 241.8 and 243.10 to the Penal Code, relating to crime.

**Assembly Bill 236**—An act to add Sections 2232 and 2232.5 to the Business and Professions Code, relating to medicine.

**Assembly Bill 408**—An act to amend Sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, and 16501.1 of, and to add Section 362.05 to, the Welfare and Institutions Code, relating to dependent children.

**Assembly Bill 413**—An act relating to state property.

**Assembly Bill 444**—An act to amend Sections 10506.4 , 10507.5, and 12957 of the Insurance Code, relating to life insurers.

**Assembly Bill 513**—An act to add Section 219.5 to the Code of Civil Procedure, relating to jurors.

**Assembly Bill 608**—An act to amend Section 11591 of the Health and Safety Code, and to amend Section 291 of the Penal Code, relating to crimes.

**Assembly Bill 688**—An act to add Section 70515 to the Government Code, relating to court facilities.

**Assembly Bill 691**—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

**Assembly Bill 777**—An act to add and repeal Section 7155.7 of the Health and Safety Code, relating to dead bodies.

**Assembly Bill 845**—An act to amend Sections 5102 and 5311 of, to add Sections 5142 and 5317.5 to, and to add Article 5.4 (commencing with Section 5243) and Article 8.5 (commencing with Section 5323) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.

**Assembly Bill 869**—An act to amend Section 43003 of the Food and Agricultural Code, relating to civil administrative penalties.

**Assembly Bill 941**—An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

**Assembly Bill 954**—An act to add Section 44825 to the Education Code, relating to teachers.

**Assembly Bill 1022**—An act to amend Sections 21455.5 and 21455.6 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1076**—An act to add Section 12976.5 to the Food and Agricultural Code, relating to pesticides.

**Assembly Bill 1133**—An act to add Section 241 to the Labor Code, relating to employment.

**Assembly Bill 1197**—An act to amend Section 82019 of the Government Code, relating to conflicts of interest.

**Assembly Bill 1247**—An act to amend, repeal, and add Section 25247 of the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 1274**—An act to amend Sections 12140 and 12142 of, and to add Section 12142.5 to, the Insurance Code, relating to motor clubs.

**Assembly Bill 1301**—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1304**—An act to add Section 54451.5 to, and to amend Sections 54452 and 54453 of, the Food and Agricultural Code, relating to cooperative associations.

**Assembly Bill 1324**—An act to add Section 3212.86 to the Labor Code, relating to workers' compensation.

**Assembly Bill 1337**—An act to amend Section 56505.2 of, and to add Section 56366.10 to, the Education Code, relating to special education.

**Assembly Bill 1433**—An act to amend Section 76 of the Penal Code, relating to criminal threats.

**Assembly Bill 1504**—An act to amend Section 1603 of the Penal Code, relating to release of committed persons.

**Assembly Bill 1601**—An act to amend Sections 18628, 19057, 19164, 19177, and 19182 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1669**—An act to amend, repeal, and add Section 2960 of, and to add Sections 2093 and 2430 to, the Business and Professions Code, to amend, repeal, and add Section 1031 of the Government Code, and to add Section 832.05 to the Penal Code, relating to peace officers.

**Assembly Bill 1721**—An act to add Section 245 to the Labor Code, relating to wages.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, May 28, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Howard M. Stein, DDS, of Huntington Beach as a member of the Board of Behavioral Sciences to serve for a term ending June 1, 2007.

Reappointed the following persons to serve as alternates for the California Coastal Commission:

Mr. Edward L. Albert of Malibu (alternate for Ms. Sara Wan); Mr. Trent W. Orr of San Francisco (alternate for Mr. Pedro Nava); Ms. Annette F. Rose of Sausalito (alternate for Supervisor Michael Reilly); and Mr. George W. Luna of Atascadero (alternate for Mayor Toni Iseman). All alternates serve at the pleasure of their commission member.

Reappointed Ms. Millicent L. Safran of Winnetka as a member of the Board for Professional Engineers and Land Surveyors to serve for a term ending June 1, 2007.

BURTON, Chair

State Capitol, May 28, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Phyllis F. Epstein, Member, California Arts Council (4-0)

Mark A. Bosetti, Member, State Board of Forestry and Fire Protection (4-0)

Susan Britting, Ph.D., Member, State Board of Forestry and Fire Protection (4-0)

Andrew "Kirk" Marckwald, Member, State Board of Forestry and Fire Protection (4-0)

David Nawi, Member, State Board of Forestry and Fire Protection (4-0)

Maeley Tom, Member, State Personnel Board (4-0)

Marcy Friedman, Member, California Arts Council (4-0)

Barbara J. George, Member, California Arts Council (4-0)

Jerrold A. Hiura, DDS, Member, California Arts Council (4-0)

Michael A. Rubel, Member, California Arts Council (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, May 29, 2003

Mr. President: The Committee on Rules has examined:

SB 39

And reports that the same has been correctly enrolled, and presented to the Governor on the 29th day of May, 2003, at 12 m.

BURTON, Chair

**Committee on Natural Resources and Wildlife**

Date of Hearing, May 27, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 994

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, May 29, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 1166

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1166**—An act to amend Sections 1507.3, 1569.73, and 1569.74 of the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Date of Hearing, May 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 3	SB 257	SB 562	SB 826
SB 17	SB 288	SB 566	SB 831
SB 19	SB 337	SB 640	SB 838
SB 20	SB 364	SB 660	SB 853
SB 33	SB 380	SB 704	SB 875
SB 56	SB 411	SB 711	SB 879
SB 80	SB 448	SB 722	SB 973
SB 89	SB 490	SB 760	SB 1005
SB 132	SB 525	SB 762	SB 1060
SB 189	SB 543	SB 802	SB 1062
SB 226	SB 548	SB 821	SCR 4

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

**Committee on Budget and Fiscal Review**

Date of Hearing, May 28, 2003

Mr. President: The Committee on Budget and Fiscal Review, to which was referred:

SB 53

Reports the same back with the recommendation: Do pass as amended.

CHESBRO, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, May 22, 2003

Mr. President: The Committee on Transportation, to which was referred:

ACR 40

Reports the same back with the recommendation: Be adopted as amended.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, May 29, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 519

AB 1044

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 519**—An act to add Section 3063.3 to the Penal Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1044**—An act to amend Sections 11106 and 12051 of the Penal Code, relating to licenses to carry firearms.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, May 29, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 341

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 341**—An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, May 29, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 33

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Senate Concurrent Resolution 33**—Relative to the Joint Rules.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Date of Hearing, May 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 25	SB 268	SB 614	SB 1004
SB 117	SB 314	SB 709	
SB 126	SB 317	SB 915	
SB 151	SB 504	SB 922	

Reports the same back with the recommendation: Do pass as amended.  
ALPERT, Chair

Above measures ordered to second reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 3**—An act to add Section 1376 to the Penal Code, relating to the death penalty.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 17**—An act to amend Sections 64, 480.1, 480.2, and 482 of, and to add Section 471 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 19**—An act to amend Sections 42239 and 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to public schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 20**—An act to add Article 11.7 (commencing with Section 25243) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 42460) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous and solid waste, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 33**—An act to amend Sections 17590, 17591, 17592, 17593, 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 56**—An act to add Sections 12749.93 and 12749.94 to the Water Code, relating to water development projects.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 80**—An act to add Section 17204.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 132**—An act to amend Section 23550.5 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 189**—An act relating to environmental health.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 226**—An act to amend Sections 527.6 and 527.8 of, and to add Section 527.9 to, the Code of Civil Procedure, to amend Section 6389 of the Family Code, to amend Sections 136.2, 273.6, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 257**—An act to amend Section 52052.5 of the Education Code, relating to pupil testing, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 288**—An act to add Chapter 4.5 (commencing with Section 42500) to Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 337**—An act to amend Section 803 of the Penal Code, relating to limitations of time.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 364**—An act to amend Sections 144, 473.3, 2099.5, 2153.5, 2531, 3010.1, and 3014.6 of the Business and Professions Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 380**—An act to add Section 162.3 to the Streets and Highways Code, and to add Section 21655.10 to the Vehicle Code, relating to highways.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 411**—An act to add Section 79568.1 to the Water Code, relating to public resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 448**—An act to add Section 19584 to the Revenue and Taxation Code, relating to voter registration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 490**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 525**—An act to amend Sections 32228, 32228.1, 48900.1, 48902, and 48910 of, to repeal Sections 37252.2, 37252.8, and 42239.1 of, to repeal and add Section 37253 of, to repeal Article 6 (commencing with Section 32296) of Chapter 2.5 of Part 19 of, to repeal Chapter 16 (commencing with Section 53025) and Chapter 18 (commencing with Section 53091) of Part 28 of, and to repeal Chapter 5.5 (commencing with Section 58730) of Part 31 of, the Education Code, relating to education funding.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 543**—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 548**—An act to amend Section 15626 of the Government Code, and to amend Sections 19048, 19334, and 19346 of the Revenue and Taxation Code, relating to tax administration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 562**—An act to add Sections 16724.1 and 16724.2 to the Government Code, relating to bonds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 566**—An act to amend Sections 7251.1 and 7251.2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 640**—An act to add Article 11 (commencing with Section 10286) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 660**—An act to add Section 2024.5 to the Family Code, relating to court files.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 704**—An act to add Section 41606 to the Health and Safety Code, relating to air quality, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 711**—An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 722**—An act to amend Section 35160.5 and 49558 of the Education Code, relating to education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 760**—An act to amend and repeal Section 6368.8 of, and to add Section 6368.9 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 762**—An act to amend Section 1210 of the Penal Code, relating to controlled substances.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 802**—An act to amend Section 164.19 of the Streets and Highways Code, relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 821**—An act to add Chapter 5.5 (commencing with Section 66350) to Part 40 of the Education Code, relating to business ethics.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 826**—An act to add and repeal Section 42283.6 of the Education Code, relating to the Hot Springs Elementary School District.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 831**—An act to add Section 14005.26 to the Welfare and Institutions Code, relating to human services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 838**—An act to add Section 1104.3 to the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 853**—An act to amend Section 1367 of, and to add Section 1367.04 to, the Health and Safety Code, and to add Section 10133.4 to the Insurance Code, relating to health care coverage.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 875**—An act to add Section 123232 to the Health and Safety Code, relating to nutrition, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 879**—An act to amend Section 290 of the Penal Code, relating to child pornography.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 973**—An act to amend Section 12102 of the Public Contract Code, relating to public contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1005**—An act to amend Sections 1279, 1280, 1280.1, and 1280.2 of, and to add Sections 1266.2 and 1279.1 to, the Health and Safety Code, relating to health facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1060**—An act to amend Sections 6405, 6459, 7093.5, 7326, 8105, 9271, 30459.1, 32471, 40211, 41171, 43522, 45867, 46622, 50156.11, 55332, 60022, 60507, 60604, 60606, and 60636 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1062**—An act to amend Sections 51203 and 51283 of the Government Code, and to amend Sections 69.4, 69.5, 75.11, 75.31, 155, 194, 218, 423, 439.2, 532, 534, 1609.5, and 1841 of, to add Section 74.7 to, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 53**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Budget and Fiscal Review were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SB 125** was withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Appropriations**

**SB 2—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 3—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 9—Do pass**

AYES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

NOES (5)—Senators Escutia, Karnette, Machado, Murray, and Speier.

Failed passage

**SB 9—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 15—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 17—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 19—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 20—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 23—Do pass as amended**

AYES (6)—Senators Alpert, Burton, Escutia, Karnette, Machado, and Murray.

NOES (7)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, Poochigian, and Speier.

Failed passage

**SB 23—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 24—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 25—Do pass as amended**

AYES (8)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (2)—Senators Ashburn and Battin.

**SB 33—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 56—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 60—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 60—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 60—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 80—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 81—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 86—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

**SB 89—Do pass**

AYES (8)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, and Karnette.

NOES (2)—Senators Johnson and Machado.

**SB 117—Do pass as amended**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 126—Do pass as amended**

AYES (9)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (3)—Senators Ashburn, Battin, and Johnson.

**SB 130—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (0)—None.

**SB 132—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 151—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 189—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 211—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 216—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 221—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 226—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 257—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 268—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 278—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Battin and Poochigian.

**SB 288—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 302—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 314—Do pass as amended**

AYES (7)—Senators Aanestad, Alpert, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 317—Do pass as amended**

AYES (12)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Aanestad.

**SB 322—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 323—Do pass as amended**

AYES (9)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 335—Do pass as amended**

AYES (6)—Senators Alpert, Burton, Escutia, Karnette, Machado, and Murray.

NOES (6)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, and Poochigian.

Failed passage

**SB 335—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 337—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 352—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 359—Do pass as amended**

AYES (9)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

**SB 364—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Johnson.

**SB 380—Do pass**

AYES (8)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Murray, Poochigian, and Speier.

NOES (4)—Senators Bowen, Escutia, Karnette, and Machado.

**SB 383—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 393—Do pass as amended**

AYES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

NOES (3)—Senators Bowen, Burton, and Escutia.

Failed passage

**SB 393—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 411—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 425—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 428—Do pass as amended**

AYES (10)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (1)—Senator Poochigian.

**SB 445—Do pass**

AYES (6)—Senators Alpert, Burton, Escutia, Karnette, Machado, and Murray.

NOES (6)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, and Poochigian.

Failed passage

**SB 445—Reconsideration granted**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 448—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 451—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 471—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 490—Do pass**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 495—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 504—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 507—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 525—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 543—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 548—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 549—Do pass as amended**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Battin.

**SB 562—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 566—Do pass**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 588—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 591—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 602—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

**SB 614—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 617—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**SB 636—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 640—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 656—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 660—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 704—Do pass**

AYES (9)—Senators Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Murray, Poochigian, and Speier.

NOES (4)—Senators Aanestad, Battin, Johnson, and Machado.

**SB 709—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 711—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 712—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 722—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 744—Do pass as amended**

AYES (8)—Senators Alpert, Battin, Bowen, Burton, Escutia, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Poochigian.

**SB 754—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 760—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 762—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 771—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 792—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 802—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 821—Do pass**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 823—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Ashburn and Johnson.

**SB 826—Do pass**

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

**SB 831—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 838—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 853—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 857—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 875—Do pass**

AYES (8)—Senators Alpert, Ashburn, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Battin, and Poochigian.

**SB 879—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 915—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 916—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 921—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 922—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 964—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Battin.

**SB 973—Do pass**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (1)—Senator Battin.

**SB 1004—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 1005—Do pass**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 1009—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 1060—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SB 1062—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

**SCR 4—Do pass**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 5/29/03

Alpert (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Tonja Martin-Davis of San Francisco.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Capt. Andrew LaMont, USMC of Eureka.

Senator Escutia requested that when the Senate adjourns this day it do so in memory of David Chavez of Los Angeles.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Felipe Escamilla Martinez of Fresno.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of John Roundtree, David N. Eagleson and Glenn Nagel of Long Beach.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Jacinta Parilla de Codilla Martinez y Ferrer of Stockton and Diane Vial of San Rafael.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Don Burkett of San Bernardino.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Janet Boyer of San Mateo and Hon. Ildo Rosellini of Belmont.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Stella H. Jeskalian and Bob Maddux of Fresno.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Monday, June 2, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 2, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord God of Life*, As Your Anointed One cried out for Lazarus to “Come out!” and he came forth, to be unbound and set free, may each of us recognize that we too, created in Your likeness and image, are graced with the spirit of power to unbind and set free those we touch in our sojourn through this life. It was given in the gift of the commandment to love You and to love one other as we love ourselves. Grant, we beseech You, that as the Budget process intensifies, Your gift may be a guiding force in our deliberations and in our lives.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, May 29, 2003

Mr. President: The Committee on Rules has examined:

SCR 16

SCR 22

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 29th day of May, 2003, at 2:15 p.m.

BURTON, Chair

**Committee on Appropriations**

Senate Chamber, May 30, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 335

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 335**—An act to add Title 6 (commencing with Section 40000) to the Corporations Code, relating to corporations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, May 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 2	SB 221	SB 507	SB 771
SB 24	SB 302	SB 549	SB 792
SB 60	SB 322	SB 588	SB 823
SB 81	SB 323	SB 591	SB 857
SB 86	SB 383	SB 602	SB 921
SB 130	SB 425	SB 617	SB 964
SB 211	SB 428	SB 636	SB 1009
SB 216	SB 495	SB 712	

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Judiciary**

Senate Chamber, May 30, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 326	AB 394	AB 690
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 326**—An act to amend Section 30801 of the Food and Agricultural Code, relating to animals.

Bill read second time.

**Assembly Bill 394**—An act to amend Sections 26738 and 26746 of, and to add Section 26723 to, the Government Code, relating to law enforcement fees.

Bill read second time.

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 2, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 199	AB 933
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 199**—An act to add Chapter 7 (commencing with Section 99560) to Part 11 of Division 10 of the Public Utilities Code, relating to transit employer-employee relations.

Bill read second time.

**Assembly Bill 933**—An act to amend Section 68120 of the Education Code, and to amend Sections 21541 and 31781.1 of the Government Code, relating to death benefits.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 2, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 179

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 179**—An act to amend Sections 130120 and 130150 of the Health and Safety Code, relating to child development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 2, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 116

AB 523

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 116**—An act to amend Section 4980.01 of the Business and Professions Code, relating to the healing arts.

Bill read second time.

**Assembly Bill 523**—An act to amend Sections 7507.9 and 7507.10 of, and to add Section 7507.14 to, the Business and Professions Code, relating to collateral recovery.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, June 2, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 676

AB 967

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 676**—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

Bill read second time.

**Assembly Bill 967**—An act to amend Sections 17731, 17733, 19136, 23800, 23800.5, 23801, 23802, 23802.5, 23803, 23804, 23809, and 23811 of, and to repeal Section 23804.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Rules**

Senate Chamber, May 30, 2003

Mr. President: The Committee on Rules has examined:

SCR 29

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 30th day of May, 2003, at 4:15 p.m.

BURTON, Chair

#### **CONSIDERATION OF DAILY FILE**

#### **SECOND READING OF SENATE BILLS**

**Senate Bill 252**—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 177**—An act relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 994**—An act to add and repeal Part 10 (commencing with Section 12997) to Division 6 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 125**—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 25**—An act to amend Sections 1785.11.1, 1785.15, and 1798.85 of the Civil Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 117**—An act relating to public resources.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 126**—An act to amend Section 22825.01 of the Government Code, relating to the Rural Health Care Equity Program.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 151**—An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11159.2, 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11161, 11164, 11165, 11167, and 11167.5 of, and to add Sections 11029.5, 11161.5, 11161.7, and 11162.1, and 11162.5 to, the Health and Safety Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 268**—An act to amend Sections 20776 and 21037 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 314**—An act to add Section 130350.5 to the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 317**—An act to amend Section 2081.7 of the Fish and Game Code, to amend Section 1013 of the Water Code, and to amend Sections 1 and 9 of Chapter 617 of the Statutes of 2002, relating to the Salton Sea, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 504**—An act to add Chapter 7 (commencing with Section 132600) to Division 12.7 of the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 614**—An act to amend Sections 18648, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Sections 17224.7, 18407, and 24344.7 to, and to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 709**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 915**—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.22, 66540.40, and 66540.72 of, to add Section 66540.29

to, and to repeal Section 66540.23 of, the Government Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 922**—An act to amend Section 13304 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1004**—An act to add Chapter 8.5 (commencing with Section 13610) to Division 7 of the Water Code, relating to perchlorate.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Concurrent Resolution 40**—Relative to the City of Compton Planning and Transportation Project Task Force.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed and to third reading.

#### MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Scott moved that **SB 824** be taken from the inactive file and placed on the second reading file.

Motion carried.

#### THIRD READING OF SENATE BILLS

**Senate Bill 1030**—An act to add Section 7630.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity testing.

Bill read third time and presented by Senator Ashburn.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Speier, Torlakson, and Vincent.

NOES (3)—Senators Chesbro, Kuehl, and Soto.

Bill ordered transmitted to the Assembly.

**Senate Bill 620**—An act to amend Sections 787, 10127.10, 10127.13, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, 1749.8, 10127.17, and 10127.18 to, the Insurance Code, relating to insurance.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 779**—An act to add Article 5 (commencing with Section 110424.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 464**—An act to amend Section 56341 of the Education Code, relating to special education.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 186**—An act to amend Section 17538.4 of, and to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, relating to privacy.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article V thereof, relating to the Governor.

Resolution read third time and presented by Senator Brulte.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill 238**—An act to amend Sections 666.7, 11108.3, 12021, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 294**—An act to amend Sections 2850, 2851, 2852, 2853, 2854, 2855, and 17200 of, and to repeal Section 2856 of, the Probate Code, relating to conservators, guardians, and trustees.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 489**—An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 577**—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06 of the Welfare and Institutions Code, relating to public social services.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 584**—An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 599**—An act to add Section 851.90 to the Penal Code, relating to drug diversion.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

**Senate Bill 176**—An act to add Section 11752.9 to the Insurance Code, relating to workers' compensation insurance.

Bill read third time and presented by Senator Johnson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 420**—An act to add Article 2.5 (commencing with Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 619**—An act to amend Sections 65008, 65400, 65589.5, and 65914 of the Government Code, to amend Sections 50650.3, 50650.4, and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Brulte, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (5)—Senators Ackerman, Bowen, Kuehl, Sher, and Speier.

Bill ordered transmitted to the Assembly.

**Senate Bill 17**—An act to amend Sections 64, 480.1, 480.2, and 482 of, and to add Section 471 to, the Revenue and Taxation Code, relating to property taxation.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 20**—An act to add Article 11.7 (commencing with Section 25243) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 42460) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous and solid waste, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 132**—An act to amend Section 23550.5 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Battin.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Bowen Presiding**

**Senate Bill 189**—An act relating to environmental health.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 226**—An act to amend Sections 527.6 and 527.8 of, and to add Section 527.9 to, the Code of Civil Procedure, to amend Section 6389 of the Family Code, to amend Sections 136.2, 273.6, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 257**—An act to amend Section 52052.5 of the Education Code, relating to pupil testing, and making an appropriation therefor.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 96**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 288**—An act to add Chapter 4.5 (commencing with Section 42500) to Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 337**—An act to amend Section 803 of the Penal Code, relating to limitations of time.

Bill read third time and presented by Senator Romero.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 364**—An act to amend Sections 144, 473.3, 2099.5, 2153.5, 2531, 3010.1, and 3014.6 of the Business and Professions Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Figueroa.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ashburn, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ashburn, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 380**—An act to add Section 162.3 to the Streets and Highways Code, and to add Section 21655.10 to the Vehicle Code, relating to highways.

Bill read third time and presented by Senator McClintock.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Bowen, Cedillo, Escutia, Figueroa, Karnette, Kuehl, Machado, and Sher.

Bill ordered transmitted to the Assembly.

**Senate Bill 229**—An act to add Sections 11823 and 11823.5 to the Insurance Code, relating to workers' compensation.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 18**—An act to amend Section 5097.94 of the Public Resources Code, relating to Native American sacred places, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Burton.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Denham, Knight, Morrow, Oller, and Poochigian.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Denham, Knight, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 3**—An act to add Section 1376 to the Penal Code, relating to the death penalty.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 548**—An act to amend Section 15626 of the Government Code, and to amend Sections 19048, 19334, and 19346 of the Revenue and Taxation Code, relating to tax administration.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 640**—An act to add Article 11 (commencing with Section 10286) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 490**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 525**—An act to amend Sections 32228, 32228.1, 48900.1, 48902, and 48910 of, to repeal Sections 37252.2, 37252.8, and 42239.1 of, to repeal and add Section 37253 of, to repeal Article 6 (commencing with Section 32296) of Chapter 2.5 of Part 19 of, to repeal Chapter 16 (commencing with Section 53025) and Chapter 18 (commencing with Section 53091) of Part 28 of, and to repeal Chapter 5.5 (commencing with Section 58730) of Part 31 of, the Education Code, relating to education funding.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 543**—An act to add Chapter 1.5 (commencing with Section 1249) to Part 2 of Division 2 of the Water Code, relating to water.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (AJR 30)**

Senator Vasconcellos asked for, and was granted, unanimous consent that AJR 30 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Joint Resolution 30**

**Assembly Joint Resolution 30**—Relative to Japanese American World War II Internment.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (31)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 566**—An act to amend Sections 7251.1 and 7251.2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Scott.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 53**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Chesbro moved the adoption of amendments to SB 53.

Amendments read and adopted.

**MOTION TO SUSPEND SENATE RULE 29.3**

Senator Chesbro moved to suspend Senate Rule 29.3 to permit consideration of SB 53 at this time, as amended, in print, and properly before the Senate.

Motion carried.

**Consideration of Senate Bill 53 as Amended**

**Senate Bill 53**—An act for the support of the government of the State of California and for several public purposes in accordance with the

provisions of Section 12 of Article IV of the Constitution of the State of California.

Bill presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 20)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 20 was refused adoption by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

**Motion to Amend**

Senator Sher moved the adoption of amendments to SB 20 pursuant to Joint Rule 23.5.

Amendments read and adopted and the measure ordered printed, engrossed, and to second reading file.

**RECESS**

At 12:31 p.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 12:31 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 67**—An act to amend Section 399.14 of the Public Utilities Code, relating to energy.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 411**—An act to add Section 79568.1 to the Water Code, relating to public resources.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 734**—An act to amend Sections 3027.5 and 3040 of, and to add Section 3100.5 to, the Family Code, relating to child custody.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on June 5:

SB 976	SB 448	SB 802	SB 1062
SB 19	SB 562	SB 826	SB 268
SB 33	SB 660	SB 838	SCR 4
SB 56	SB 722	SB 879	
SB 80	SB 762	SB 1060	

**REQUEST TO BE ADDED TO ROLL CALL**

June 2, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 464—Aye	SB 186—Aye	SB 489—Aye
SB 584—Aye	SB 599—Aye	SB 420—Aye
SB 525—Aye	SB 17—Aye	

JOHN L. BURTON, President pro Tempore

June 2, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 294—No	SB 584—No	SB 420—No
SB 619—Aye	SB 226—Aye	

JAMES L. BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 12:34 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, June 3, 2003.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
May 30, 2003

*To the Members of the Senate:*

I am signing SB 39, which is an urgency measure that provides a \$100 million loan to the Oakland Unified School District and immediately requires the Superintendent of Public Instruction to assume control of the District and to appoint an administrator, in

consultation with the Alameda County Superintendent of Schools, to work on his behalf.

This bill establishes conditions by which the State would ultimately return control of normal district operations to the local governing board. Further, this bill requires the County Office Fiscal Crisis and Management Assistance Team (FCMAT) to conduct comprehensive assessments and complete improvement plans for specified key district service areas and to periodically report on the district's progress in those areas. Finally, the bill would allow the proceeds of the sale of surplus property to be used to repay the loan during a specified amount of time. During that period, the District will be ineligible to receive financial hardship assistance for purposes of funding school facilities.

I am signing this bill with the understanding that clean-up legislation will be enacted to clarify that the surplus property to be sold was not built nor acquired with State or local bonds. In addition, the clean-up legislation should include the same reporting requirements as those contained in Chapter 1, Statutes of 2003, which were inadvertently left out of this bill. I am asking the Department of Finance to draft the necessary changes.

Sincerely,

GRAY DAVIS, Governor

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 21

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

### Second Reading of Bills—Author's Amendments

**Senate Bill 21**—An act to amend Section 11361 of the Government Code, and to add Sections 79505.5, 79506.5, 79522, 79532, 79533, 79534, 79535, 79540.1, 79541.1, 79542.1, 79543.1, 79544.1, 79544.2, 79547, 79547.2, 79555, 79560.5, 79562.5, 79564.1, 79564.5, 79568.5, and 79571.5 to, and to add Chapter 10.7 (commencing with Section 79579) to Division 26.5 of, the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

### Committee on Rules

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SJR 15

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Joint Resolution 15**—Relative to the federal poverty level.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Date of Hearing, May 29, 2003

Madam President: The Committee on Appropriations, to which were referred:

SB 359	SB 451	SB 471
SB 754	SB 916	

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 376	AB 390
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 376**—An act to amend Section 5771 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

**Assembly Bill 390**—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Judiciary, to which were referred:

AB 542	AB 962
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 542**—An act to amend Section 1563 of the Code of Civil Procedure, relating to escheat.

Bill read second time.

**Assembly Bill 962**—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

SB 269

AB 212

AB 1606

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 269**—An act to add Section 22212.5 to the Education Code, and to amend Section 20098 of the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 212**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1606**—An act to add Section 22816.1 to the Government Code, relating to public employees' health benefits.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1606 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SHIRLEY HORTON

**Permission of Rules Committee**

Senate Chamber, June 2, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1606.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 283

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 283**—An act to amend Section 13957 of the Government Code, relating to victims of crime.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 84

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 84**—An act to amend Section 421 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Transportation, to which were referred:

SCR 24

AB 299

AB 557

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 24**—Relative to highway designations. Resolution read second time.

**Assembly Bill 299**—An act to add Section 21100.4 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 557**—An act to amend Section 21810 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, June 2, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1657

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1657**—An act to add Section 25602.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 537** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

**SB 757** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SB 223** and **SB 899** were withdrawn from committee and placed on file.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 21:** By Senators Knight and Ashburn—Relative to Support for Boeing 7E7 Jetliner Project at the Palmdale Regional Airport.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read third time.

**Amendments Adopted**

Amendments to SB 245 proposed by Senator Sher were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 996**—An act to add Section 157 to the Labor Code, relating to employment.

Bill read third time.

**Amendments Adopted**

Amendments to SB 996 proposed by Senator Alarcón were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read third time.

**Amendments Adopted**

Amendments to SB 71 proposed by Senator Kuehl were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 376**—An act to amend Section 2401 of the Business and Professions Code, relating to healing arts.

Bill read third time.

**Amendments Adopted**

Amendments to SB 376 proposed by Senator Chesbro were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 506**—An act to amend Section 4164 of the Business and Professions Code, relating to pharmaceuticals.

Bill read third time.

**Amendments Adopted**

Amendments to SB 506 proposed by Senator Sher were read and adopted and the measure ordered printed, engrossed, and to second reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

Bill read third time.

**Amendments Adopted**

Amendments to AB 812 proposed by Senator Burton were read and adopted and the measure ordered printed and to second reading.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: March 2003, relating to Child Support collectibility was received from the Department of Child Support Services and transmitted to the Committee on Health and Human Services.

A report dated: April 30, 2003, relating to Loan and Grant programs was received from the Department of Housing and Community Development and transmitted to the Committee on Housing and Community Development.

A report dated: May 1, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Youth and Adult Correctional Agency and transmitted to the Committee on Governmental Organization.

A report dated: May 8, 2003, relating to Ward Grievance was received from the Department of the Youth Authority and transmitted to the Committee on Public Safety.

A report dated: May 14, 2003, relating to Community Mental Health Performance was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

An Initiative Title and Summary report dated: May 14, 2003, relating to Alternative Income Tax Rate. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A revised Initiative and Summary report dated: May 15, 2003, relating to Compensation for Government Regulation of Private Property. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: May 16, 2003, relating to the Examination Under Oath study was received from the Department of Insurance and transmitted to the Committee on Insurance.

A report dated: May 16, 2003, relating to the Fraud Division was received from the Department of Insurance and transmitted to the Committee on Insurance.

A report dated: May 16, 2003, relating to the Bureau of Fraudulent Claims was received from the Department of Insurance and transmitted to the Committee on Insurance.

A report dated: May 16, 2003, relating to research activities was received from the Department of Corrections and transmitted to the Committee on Public Safety.

The 2001 Annual report of the Commissioner dated: May, 16 2003, was received from the Department of Insurance and transmitted to the Committee on Insurance.

An audit report dated: May 19, 2003, relating to Internal controls and compliance with state and federal laws and regulations by the State of California was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: May 19, 2003, relating to the Pierce's Disease program was received from the Department of Food and Agriculture and transmitted to the Committee on Agriculture and Water Resources.

An audit report dated: May 21, 2003, relating to federal funds entitled to California for appropriation via the Budget Act was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: May 21, 2003, relating to the Statewide Automated Welfare System was received from the Health and Human Services Agency Data Center and transmitted to the Committee on Health and Human Resources.

A report dated: May 21, 2003, relating to the use of waste tires was received from the Department of Transportation and transmitted to the Committee on Transportation.

A report dated: May 21 ,2003, relating to cash flow management was received from the Department of Veterans Affairs and transmitted to the Committee on Budget and Fiscal Review.

A report dated: May 22, 2003, relating to the Wildlife Protection Act was received from the Wildlife Conservation Board and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: May 22, 2003, relating to the Yield-to-Bus program was received from the California Highway Patrol and transmitted to the Committee on Transportation.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Budget and Fiscal Review**

**SB 53**—Do pass as amended

AYES (9)—Senators Cedillo, Chesbro, Ducheny, Dunn, Kuehl, Ortiz, Scott, Sher, and Vasconcellos.

NOES (3)—Senators Ackerman, McClintock, and McPherson.

**SB 976**—Do pass

AYES (12)—Senators Ackerman, Cedillo, Chesbro, Ducheny, Dunn, Kuehl, McClintock, McPherson, Ortiz, Scott, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 5/28/03

Chesbro (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Joshua Clyde Lancaster of Fresno.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Harold Gailey of Hesperia.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, June 3, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-THIRD LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, June 3, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Sher will be excused this day on legislative business and Senator Ortiz will be excused this day on personal business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 95

Above measure ordered enrolled.

## Assembly Chamber, June 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 52	AB 442	AB 745	AB 1218
AB 54	AB 446	AB 766	AB 1222
AB 66	AB 455	AB 820	AB 1229
AB 71	AB 526	AB 825	AB 1248
AB 91	AB 532	AB 826	AB 1250
AB 106	AB 535	AB 841	AB 1286
AB 113	AB 552	AB 894	AB 1296
AB 151	AB 568	AB 971	AB 1350
AB 159	AB 572	AB 978	AB 1416
AB 163	AB 574	AB 1026	AB 1468
AB 184	AB 575	AB 1027	AB 1509
AB 233	AB 587	AB 1035	AB 1512
AB 256	AB 591	AB 1143	AB 1524
AB 271	AB 593	AB 1149	AB 1546
AB 284	AB 606	AB 1155	AB 1551
AB 332	AB 634	AB 1181	AB 1598
AB 401	AB 642	AB 1182	AB 1640
AB 418	AB 648	AB 1198	AB 1666
AB 426	AB 692	AB 1212	AB 1685
AB 434	AB 723	AB 1215	AB 1740

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 52**—An act to amend Section 42239 of, to add Sections 37252.5, 37252.6, and 37254 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to pupil instruction, and making an appropriation therefor.

**Assembly Bill 54**—An act relating to teachers.

**Assembly Bill 66**—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, and making an appropriation therefor.

**Assembly Bill 71**—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, 30435, 30474.1, and 30482 to, to add Article 2.5 (commencing with Section 30210) to Chapter 4 of Part 13 of Division 2 of, and to add Article 5 (commencing with Section 30355) to Chapter 5 of Part 13 of Division 2 of,

the Revenue and Taxation Code, relating to cigarettes and tobacco products, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 91**—An act to amend Sections 22455.5, 26000, 26300, and 26400 of, and to add Sections 26000.2 and 26113.5 to, the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

**Assembly Bill 106**—An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

**Assembly Bill 113**—An act to amend Section 12012.85 of the Government Code, relating to gaming.

**Assembly Bill 151**—An act to add Section 41514.15 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

**Assembly Bill 159**—An act to add Section 19636 to the Government Code, relating to state employment.

**Assembly Bill 163**—An act to add and repeal Section 52086.5 of the Education Code, relating to class size reduction.

**Assembly Bill 184**—An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

**Assembly Bill 233**—An act to amend Section 11379.7 of the Health and Safety Code, and to amend Section 666.7 of the Penal Code, relating to controlled substances.

**Assembly Bill 256**—An act to add Section 105307 to the Health and Safety Code, relating to lead.

**Assembly Bill 271**—An act to add Chapter 13 (commencing with Section 4850) to Division 4.5 of the Welfare and Institutions Code, relating to services for the developmentally disabled.

**Assembly Bill 284**—An act to amend Sections 10168.1 and 10168.2 of, and to add Sections 10168.25 and 10168.92 to, the Insurance Code, relating to annuities.

**Assembly Bill 332**—An act to amend Sections 21670, 21676, 21676.5, 21677, and 21678 of the Public Utilities Code, relating to airports.

**Assembly Bill 401**—An act to add Section 19605.53 to the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

**Assembly Bill 418**—An act to amend Section 22358 of the Business and Professions Code, and to amend Sections 415.20, 415.45, 415.46, and 1167.4 of, and to add Section 415.95 to, the Code of Civil Procedure, relating to civil actions.

**Assembly Bill 426**—An act to add Section 139 to the Water Code, relating to the State Water Project.

**Assembly Bill 434**—An act to amend Section 24216.5 of the Education Code, relating to state teachers' retirement.

**Assembly Bill 442**—An act to amend Section 42122 of the Education Code, relating to school finance.

**Assembly Bill 446**—An act to amend Sections 210, 215, and 220 of the Labor Code, relating to state employees.

**Assembly Bill 455**—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 526**—An act to add and repeal Section 2107.5 of the Elections Code, relating to registration.

**Assembly Bill 532**—An act to add Section 5097 to the Vehicle Code, relating to vehicles.

**Assembly Bill 535**—An act to repeal and add Section 319 of the Streets and Highways Code, relating to streets and highways.

**Assembly Bill 552**—An act to add Section 21039 to the Government Code, relating to public employees' retirement.

**Assembly Bill 568**—An act to amend Section 14006 of the Penal Code, relating to the Community Law Enforcement and Recovery Demonstration Project.

**Assembly Bill 572**—An act to amend Sections 98.7, 6310, and 6312 of, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

**Assembly Bill 574**—An act to add Section 9250.16 to the Vehicle Code, relating to vehicles.

**Assembly Bill 575**—An act to amend Section 40000.19 of, and to add Division 14.75 (commencing with Section 34200) to, the Vehicle Code, relating to motor carriers.

**Assembly Bill 587**—An act to amend Section 2150 of the Elections Code, relating to voters.

**Assembly Bill 591**—An act relating to school curriculum.

**Assembly Bill 593**—An act to amend Section 3206 of, and to add Article 3.5 (commencing with Section 2145) to Chapter 2 of Division 2 of, the Elections Code, and to amend Section 12950 of, and to add Section 12950.5 to, the Vehicle Code, relating to voter registration.

**Assembly Bill 606**—An act to add Section 78.5 to the Labor Code, relating to workers' compensation.

**Assembly Bill 634**—An act to amend Section 2023 of, and to add Section 2031.1 to, the Code of Civil Procedure, relating to civil actions.

**Assembly Bill 642**—An act to add Section 60605.4 to the Education Code, relating to curriculum.

**Assembly Bill 648**—An act to add and repeal Article 7 (commencing with 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

**Assembly Bill 692**—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

**Assembly Bill 723**—An act to add Chapter 2.6 (commencing with Section 53369) to Part 1 of Division 2 of Title 5 of the Government Code, relating to jobs-housing opportunity zones.

**Assembly Bill 745**—An act to add Sections 1210, 35032.5, and 72427 to the Education Code, relating to local educational agencies.

**Assembly Bill 766**—An act to add and repeal Section 49452.6 of the Education Code, relating to pupil health.

**Assembly Bill 820**—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

**Assembly Bill 825**—An act relating to student financial aid.

**Assembly Bill 826**—An act to add Article 12.5 (commencing with Section 25249.1) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 841**—An act to amend Sections 52890, 54726, and 54734 of the Education Code, relating to pupil retention.

**Assembly Bill 894**—An act to add Section 662 to the Streets and Highways Code, relating to highways.

**Assembly Bill 971**—An act relating to state employees .

**Assembly Bill 978**—An act to amend Section 710.8 of the Unemployment Insurance Code, relating to the California State University, and making an appropriation therefor.

**Assembly Bill 1026**—An act to amend Sections 23575 and 23578 of, and to add Section 23587 to, the Vehicle Code, relating to vehicles.

**Assembly Bill 1027**—An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

**Assembly Bill 1035**—An act to add Section 7073.5 to the Government Code, relating to economic development.

**Assembly Bill 1143**—An act to amend Section 1985.3 of the Code of Civil Procedure, relating to Internet communications.

**Assembly Bill 1149**—An act relating to historic preservation, and making an appropriation therefor.

**Assembly Bill 1155**—An act to add Article 10 (commencing with Section 100580) to Chapter 3 of Part 1 of Division 101 of the Health and Safety Code, relating to health.

**Assembly Bill 1181**—An act to add Section 381.1 to the Insurance Code, relating to automobile insurance.

**Assembly Bill 1182**—An act to amend Sections 8855, 8856, and 91555 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1198**—An act to amend Section 1043 of the Evidence Code, and to amend Section 832.8 of the Penal Code, relating to peace officers.

**Assembly Bill 1212**—An act to add Section 30607.7 to the Public Resources Code, relating to public resources.

**Assembly Bill 1215**—An act to add Section 11861 to the Insurance Code, relating to insurance.

**Assembly Bill 1218**—An act to amend Section 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks.

**Assembly Bill 1222**—An act to amend Section 5627 of the Public Resources Code, relating to parks and recreation.

**Assembly Bill 1229**—An act to add Section 12940.5 to the Government Code, relating to sexual harassment.

**Assembly Bill 1248**—An act to add Section 13167.5 to the Water Code, relating to water.

**Assembly Bill 1250**—An act to amend Section 44579.1 of the Education Code, relating to teachers.

**Assembly Bill 1286**—An act to add Sections 733 and 17500.6 to the Business and Professions Code, to amend Sections 1373.65, 1373.95, 1373.96, 1392, and 1393 of, and to add Sections 1324, 1373.66 and 1373.67 to, the Health and Safety Code, and to amend 10133.55 and 10133.56 of, and to add Sections 10133.57, 10133.58, and 10133.59 to, the Insurance Code, relating to health care coverage.

**Assembly Bill 1296**—An act to amend Section 8510 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

**Assembly Bill 1350**—An act relating to the Ravenswood City Elementary School District, and making an appropriation therefor.

**Assembly Bill 1416**—An act to add to Chapter 4.5 (commencing with Section 900) to Division 4 of the Military and Veterans Code, and to add and repeal Article 4 (commencing with Section 18732) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to veterans' dependents.

**Assembly Bill 1468**—An act relating to air quality.

**Assembly Bill 1509**—An act relating to emergency services.

**Assembly Bill 1512**—An act to repeal Chapter 5 (commencing with Section 8810) of Part 6 of the Education Code, and to add an article heading to Chapter 9 of Division 1 of Title 2 immediately preceding Section 8750 of, to add Article 3 (commencing with Section 8758.10), Article 4 (commencing with Section 8758.50), and Article 5 (commencing with Section 8758.70) to, and to add and repeal Article 2 (commencing with Section 8757.10) of, Chapter 9 of Division 1 of Title 2 of, the Government Code, relating to arts education.

**Assembly Bill 1524**—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.

**Assembly Bill 1546**—An act to add Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 of the Government Code, and to add Section 9250.5 to the Vehicle Code, relating to local government.

**Assembly Bill 1551**—An act to add Article 3 (commencing with Section 9700) to Chapter 2 of Part 1 of Division 3 of the Unemployment Insurance Code, relating to employment.

**Assembly Bill 1598**—An act to amend Section 3 of Chapter 899 of the Statutes of 1995, and to amend Section 2 of Chapter 895 of the Statutes of 2001, relating to seismic activity, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1640**—An act to amend Sections 25501.4, 25532, and 25540 of, and to add Section 25404.2.1 to, the Health and Safety Code, relating to hazardous materials.

**Assembly Bill 1666**—An act to amend Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1685**—An act to add Section 379.6 to the Public Utilities Code, relating to energy.

**Assembly Bill 1740**—An act to amend Sections 17041, 17052.6, 17301.3, and 17302 of, and to add Section 19136.11 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing, May 29, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 15

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bill ordered to second reading.

Date of Hearing, May 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 278

SB 352

SB 656

SB 744

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 965

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 965**—An act to add Section 423.5 to the Government Code, relating to state emblems.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 503

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 503**—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 44

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 44**—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 936

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 936**—An act to add Section 208.1 to the Penal Code, relating to baby stalking.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 202

AB 1007

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 202**—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

Bill read second time.

**Assembly Bill 1007**—An act to amend and repeal Section 1601.1 of, and to repeal Section 1601.5 of, the Business and Professions Code, relating to dentistry.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 593

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 593**—An act to amend Sections 401.15, 755, 756, and 1153 of, to amend, repeal, and add Sections 1152 and 1155 of, and to add Sections 100.51, 721.51, and 828.1 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 179

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 179**—An act to amend Sections 130110, 130120, and 130150 of the Health and Safety Code, relating to child development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 703

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 703**—An act to add Section 745 to the Public Utilities Code, relating to public utilities.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 703 pursuant to Joint Rule 58.

SENATOR FLOREZ

**Permission of Rules Committee**

Senate Chamber, June 3, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 703.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 1584

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1584**—An act to amend Sections 20057, 20501, 20610, 20611, 20752, 20816, 20890.2, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5 and 22816.1 to, and to repeal Sections 20677.1, 20732, 21431, and 22216 of, and to repeal Chapter 10 (commencing with

Section 20860) of Part 3 of Division 5 of Title 2 of, the Government Code, relating to the Public Employees' Retirement System.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **UNANIMOUS CONSENT TO READ BILLS SECOND TIME**

Without objection, all Senate Bills reported from the Committee on Appropriations this day will be given their second reading upon being reported.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 24**—An act to add Section 124034 to the Health and Safety Code, and to add Sections 14011.75, 14148.03, and 14148.04 to the Welfare and Institutions Code, relating to health care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 81**—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 211**—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 221**—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 302**—An act to amend Section 11135 of the Government Code, relating to discrimination.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 495**—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 507**—An act to amend and repeal Section 52244 of, and to repeal Section 60830.9 of, the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 549**—An act to add Chapter 9.7 (commencing with Section 6267) to Title 7 of Part 3 of the Penal Code, relating to inmates.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 588**—An act to amend Sections 17070.75, 17584, and 33128 of, and to add Section 17463.5 to, the Education Code, relating to school finance.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 591**—An act to add Section 16010.5 to the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 602**—An act to amend Sections 1785.11.1, 1785.11.2, and 1785.14 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend

Sections 530.5, 530.6, and 530.8 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 617**—An act to amend Section 1639 of, and to add Section 7158.3 to, the Health and Safety Code, relating to anatomical gifts.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 712**—An act to amend Section 64201 of the Education Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 792**—An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 921**—An act to add Division 112 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1009**—An act to amend Section 6487 of, and to add and repeal Sections 6452.1, 6487.3, and 18510 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 216**—An act to amend amend and renumber Section 2116 of the Fish and Game Code as added by Chapter 974 of the Statutes of 1996, relating to endangered species, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 60**—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 86**—An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 383**—An act to add and repeal Section 66204.5 to the Education Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 425**—An act to amend Section 530.5 of the Penal Code, relating to identity theft.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 636**—An act to add Section 56509 to the Education Code, relating to special education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 823**—An act relating to students.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 964**—An act to add Section 60852.5 to the Education Code, relating to the high school exit examination.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 2**—An act to add Section 12693.705 to the Insurance Code, to add Part 8.5 (commencing with Section 2020) to Division 2 of the Labor Code, to amend Section 131 of, and to add Section 976.7 to, the Unemployment Insurance Code, and to add Section 14005.42 to the Welfare and Institutions Code, relating to health care coverage, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 130**—An act to add Division 1.5 (commencing with Section 1180) to the Health and Safety Code, relating to mental health.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 322**—An act to add Sections 125118, 125119, 125120, 125121, and 125122 to the Health and Safety Code, relating to medical research.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 323**—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 428**—An act to amend the heading of Chapter 3.3 (commencing with Section 1570) of Division 2 of, to amend Sections 1570, 1570.2, 1570.7, 1572, 1572.5, 1572.9, 1573.5, 1574.7, 1575.2, 1575.5, 1579, and 1580 of, to add Section 1574.8 to, and to repeal Sections 1573 and 1574 of, the Health and Safety Code, and to amend Sections 14520, 14521, 14528, 14529, 14550, 14552, 14570, 14571, 14573, and 14575 of the Welfare and Institutions Code, relating to adult day health care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 771**—An act to amend and renumber Sections 125115, 125116, and 125117 of, to add Section 125305 to, to add the headings of Part 5.5 (commencing with Section 125300) and Chapter 1 (commencing with Section 125300) to Division 106 of, to add Chapter 2 (commencing with Section 125330) to Part 5.5 of Division 106 of, and to repeal the heading of Article 5 (commencing with Section 125115) of Chapter 1 of Part 5 of Division 106 of, the Health and Safety Code, relating to human tissue.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 857**—An act to add Sections 14087.302 and 14107.12 to the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 824**—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 451**—An act to add Section 107.4 to the Revenue and Taxation Code, relating to taxation

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 471**—An act to amend Sections 60601 and 60602 of, and to add Article 1.5 (commencing with Section 60603.2) to Chapter 5 of Part 33 of, of the Education Code, relating to pupil testing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 754**—An act to add Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest resources.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 20**—An act to add Article 11.7 (commencing with Section 25243) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 42460) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous and solid waste

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 359**—An act to add Sections 94779.1, 94779.3, and 94779.4 to, and to add and repeal Section 94779.2 of, the Education Code, relating to the Bureau for Private Postsecondary and Vocational Education.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 359 pursuant to Joint Rule 58.

SENATOR FIGUEROA

**Permission of Rules Committee**

Senate Chamber, June 3, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 359.

BURTON, Chair

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 223**—An act to repeal and add Section 4600.1 of the Labor Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 899**—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 916**—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30914.5, and 30922 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 996**—An act to add Section 157 to the Labor Code, relating to employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 376**—An act to amend Section 2401 of, and to add Section 2401.1 to, the Business and Professions Code, relating to healing arts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 506**—An act to amend Section 4164 of the Business and Professions Code, and to amend Sections 14328 and 15051 of the Food and Agricultural Code, relating to pharmaceuticals, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

Bill read second time and ordered to third reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 15**—An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.42, 17078.52, 17078.54, 17078.58, and 17078.62 of, and to repeal Section 17078.50 of, the Education Code, relating to education facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 278**—An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 352**—An act to amend Sections 17074.27, 17074.30, 17213, and 17582 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 656**—An act to add Section 39614 to the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 744**—An act to add Section 65585.4 to the Government Code, relating to planning.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS**

**Senate Bill 252**—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

Bill read third time.

**Amendments Adopted**

Amendments to SB 252 proposed by Senator Alpert were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 228**—An act to amend Sections 62.5, 4603.2, and 5402 of, to add Section 3823 to, to repeal Sections 5307.2 and 5307.21 of, and to repeal and add Section 5307.1 of, the Labor Code, relating to workers' compensation.

Bill read third time.

**Amendments Adopted**

Amendments to SB 228 proposed by Senator Alarcón were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 749**—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

Bill read third time.

**Amendments Adopted**

Amendments to SB 749 proposed by Senator Escutia were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1007**—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

Bill read third time.

**Amendments Adopted**

Amendments to SB 1007 proposed by Senator Speier were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 354**—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, and to amend Section 139.3 of, and to add Section 4600.2 to, the Labor Code, relating to workers' compensation insurance.

Bill read third time.

**Amendments Adopted**

Amendments to SB 354 proposed by Senator Speier were read and adopted and the measure ordered printed, engrossed, and to third reading.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Alpert:

Senate Chamber, June 3, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(6) and 62(a) in order that SB 757, SB 994, SB 140, SB 430, SB 434, SB 545, SB 752, SB 888, SB 923, SB 929, SB 23, SB 335, and SB 445 may be heard in the Committee on Appropriations

without two days notice in the file and be reported by the committee after the deadline.

**SENATOR ALPERT**

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**JOINT RULES DISPENSED WITH**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(6) and 62(a) were dispensed with as requested.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on June 5:

SB 81	SB 507	SB 636
SB 221	SB 588	SB 223
SB 302	SB 591	SB 899

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Sher.

The following Senator was granted leave of absence for the day due to personal business: Senator Ortiz.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9:30 a.m., Wednesday, June 4, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, June 4, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Divine Beloved*, How true is the wisdom, "Be still and you shall know God." Help us to enter the still and silent flow of Your love from which all life arises. Then refreshed, let us pursue the great challenges of the day with light hearts, cheerful dispositions and the overwhelming desire to accomplish Your will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Bowen led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 9	AB 1485	AB 1767	AB 816
AB 28	AB 1531	AB 1768	AB 824
AB 59	AB 1567	AB 1769	AB 847
AB 85	AB 1627	AB 20	AB 857
AB 121	AB 1670	AB 43	AB 914
AB 153	AB 1676	AB 60	AB 953
AB 177	AB 1746	AB 105	AB 991
AB 183	AB 1747	AB 135	AB 1014
AB 231	AB 1748	AB 198	AB 1048
AB 232	AB 1749	AB 298	AB 1102
AB 260	AB 1750	AB 343	AB 1108
AB 292	AB 1751	AB 356	AB 1144
AB 300	AB 1752	AB 358	AB 1145
AB 331	AB 1753	AB 361	AB 1148
AB 378	AB 1754	AB 375	AB 1213
AB 396	AB 1755	AB 385	AB 1338
AB 425	AB 1756	AB 428	AB 1348
AB 466	AB 1757	AB 430	AB 1354
AB 782	AB 1758	AB 459	AB 1393
AB 896	AB 1759	AB 460	AB 1427
AB 939	AB 1760	AB 566	AB 1521
AB 977	AB 1761	AB 633	AB 1532
AB 1093	AB 1762	AB 662	AB 1558
AB 1185	AB 1763	AB 676	AB 1687
AB 1297	AB 1764	AB 714	AB 1735
AB 1317	AB 1765	AB 763	
AB 1426	AB 1766	AB 798	

Assembly Chamber, June 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 8

Assembly Chamber, June 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 53

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 9**—An act to add Part 7 (commencing with Section 106000) to Division 103 of the Health and Safety Code, relating to health care.

**Assembly Bill 28**—An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to firefighting equipment.

**Assembly Bill 59**—An act to add Chapter 4.5 (commencing with Section 8305) to Division 1 of Title 2 of the Government Code, relating to state history and culture.

**Assembly Bill 85**—An act to add Section 21023.2 to the Government Code, relating to public retirement, and making an appropriation therefor.

**Assembly Bill 121**—An act to add Division 38 (commencing with Section 72400) to the Public Resources Code, relating to vessels.

**Assembly Bill 153**—An act to amend Sections 68130.5 and 76300 of, and to add Section 66021.6 to, the Education Code, relating to student financial aid.

**Assembly Bill 177**—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

**Assembly Bill 183**—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 231**—An act to amend Section 11155 of, to add Sections 18901.6, 18901.9, and 18901.10 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 232**—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

**Assembly Bill 260**—An act to amend Section 91.5 of, and to add Section 91.6 to, the Streets and Highways Code, relating to highways.

**Assembly Bill 292**—An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to interpreters.

**Assembly Bill 300**—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8263, 8805, 11021, 35160.5, 35256, 39831.5, 41344, 41402, 41403, 41975, 44505, 45037, 46201, 46202, 48209.16, 48916, 48918, 48980, 52055.600, 52055.640, 56001, 56028, 56032, 56043, 56170, 56320, 56341.5, 56343.5, 56345.1, 56361, 56366, 56390, 56391, 56500.3, 56504.5, 56505, 56506, 56605, 56836.01, 56836.155, 56863, 60040, and 60119 of, to amend and renumber Section 56364.2 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 11023, 17912.1, 32211, 41404, 41406, 41407, 45357, 45358, 48209.17, 51132, 51882, 56364, 56364.5, 62002, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, and to amend Section 45 of Chapter 1167 of the Statutes of 2002, relating to education, and declaring the urgency thereof, to take immediately.

**Assembly Bill 331**—An act to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment insurance.

**Assembly Bill 378**—An act to amend Sections 1520 and 1530 of, and to add Section 1515.5 to, the Code of Civil Procedure, relating to escheats.

**Assembly Bill 396**—An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

**Assembly Bill 425**—An act to amend Section 743.1 of the Public Utilities Code, relating to public utilities.

**Assembly Bill 466**—An act to add Section 6105 to the Public Contract Code, relating to public contracts.

**Assembly Bill 782**—An act to repeal and add Section 71639.1 of the Government Code, relating to trial court employees.

**Assembly Bill 896**—An act to add Section 20322.5 to of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

**Assembly Bill 939**—An act to add Section 5781 to the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 977**—An act relating to state employees.

**Assembly Bill 1093**—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

**Assembly Bill 1185**—An act to add Section 89762 to the Education Code, relating to postsecondary education.

**Assembly Bill 1297**—An act to amend Sections 1623 and 1625 of, and to add Section 1727.5 to, the Insurance Code, relating to insurance brokers.

**Assembly Bill 1317**—An act to amend Section 1108 of the Food and Agricultural Code, relating to environmental protection.

**Assembly Bill 1426**—An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

**Assembly Bill 1485**—An act to amend Section 51700 of, and to add Section 60640.1 to, the Education Code, relating to English learners

**Assembly Bill 1531**—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

**Assembly Bill 1567**—An act to amend, repeal, and add Sections 830.3, 830.37, and 830.38 of, and to add Section 13543.5 to, the Penal Code, relating to peace officers, and making an appropriation therefor.

**Assembly Bill 1627**—An act to add Article 11 (commencing with Section 1339.50) to Chapter 2 of Division 2 of the Health and Safety Code, relating to health facilities.

**Assembly Bill 1670**—An act to amend Section 60850 of, and to add Section 60860 to, the Education Code, relating to the high school exit examination.

**Assembly Bill 1676**—An act to amend Sections 125085, 125090, and 125107 of, and to add Section 125092 to, the Health and Safety Code, relating to AIDS.

**Assembly Bill 1746**—An act relating to the Budget Act of 2003

**Assembly Bill 1747**—An act relating to the Budget Act of 2003.

**Assembly Bill 1748**—An act relating to the Budget Act of 2003.

**Assembly Bill 1749**—An act relating to the Budget Act of 2003.

**Assembly Bill 1750**—An act relating to the Budget Act of 2003.

**Assembly Bill 1751**—An act relating to the Budget Act of 2003.

**Assembly Bill 1752**—An act relating to the Budget Act of 2003.

**Assembly Bill 1753**—An act relating to the Budget Act of 2003.

**Assembly Bill 1754**—An act relating to the Budget Act of 2003.

**Assembly Bill 1755**—An act relating to the Budget Act of 2003.

**Assembly Bill 1756**—An act relating to the Budget Act of 2003.

**Assembly Bill 1757**—An act relating to the Budget Act of 2003.

**Assembly Bill 1758**—An act relating to the Budget Act of 2003.

**Assembly Bill 1759**—An act relating to the Budget Act of 2003.

**Assembly Bill 1760**—An act relating to the Budget Act of 2003.

**Assembly Bill 1761**—An act relating to the Budget Act of 2003.

**Assembly Bill 1762**—An act relating to the Budget Act of 2003.

**Assembly Bill 1763**—An act relating to the Budget Act of 2003.

**Assembly Bill 1764**—An act relating to the Budget Act of 2003.

**Assembly Bill 1765**—An act relating to the Budget Act of 2003.

**Assembly Bill 1766**—An act relating to the Budget Act of 2003.

**Assembly Bill 1767**—An act relating to the Budget Act of 2003.

**Assembly Bill 1768**—An act relating to the Budget Act of 2003.

**Assembly Bill 1769**—An act relating to the Budget Act of 2003.

**Assembly Bill 20**—An act to amend Sections 710, 765, 767, 1109, 1228, 1253, 1360, and 1380 of, and to add Section 177 to, the Evidence Code, and to amend Sections 288, 368, 502.9, 515, 525, 859.1, 861.5, 868.7, 939.21, 1347.5, 11166, and 13515 of, and to add Section 1127g to, the Penal Code, and to amend Section 15630 of the Welfare and Institutions Code, relating to crime.

**Assembly Bill 43**—An act to amend Sections 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, and 14139.62 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30 and 14139.63 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.23, 14139.35, 14139.36, and

14139.51 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

**Assembly Bill 60**—An act to amend Section 89416 of, and to amend the heading of Chapter 4.2 (commencing with Section 89416) of Part 55 of, the Education Code, relating to the California State University.

**Assembly Bill 105**—An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, relating to agricultural lands.

**Assembly Bill 135**—An act to add Section 200 to the Penal Code, relating to homicide victims.

**Assembly Bill 198**—An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

**Assembly Bill 298**—An act to add and repeal Section 56141 of the Education Code, relating to special education.

**Assembly Bill 343**—An act to amend Sections 12693.32, 12693.325, 12693.326, and 12693.85 of, and to repeal Sections 12693.86, 12693.87, 12693.88, and 12693.89 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

**Assembly Bill 356**—An act to amend Sections 52050.5, 52052, 52052.2, 52055.655, 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, 60643.1, 60851, and 60856 of, to repeal Sections 52057 and 60859 of, and to repeal Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of, the Education Code, relating to education testing.

**Assembly Bill 358**—An act to amend Sections 1419, 1420, and 1422 of the Health and Safety Code, relating to health facilities.

**Assembly Bill 361**—An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of Division 12.7 of the Public Utilities Code, relating to transportation.

**Assembly Bill 375**—An act to add and repeal Section 20901.5 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 385**—An act to amend Section 19849.7 of the Government Code, relating to state employment.

**Assembly Bill 428**—An act to add Section 367.6 to the Public Utilities Code relating to energy resources.

**Assembly Bill 430**—An act to add Section 73502.3 to the Water Code, relating to water.

**Assembly Bill 459**—An act relating to state employees.

**Assembly Bill 460**—An act relating to state employees

**Assembly Bill 566**—An act to amend Section 8050 of the Fish and Game Code, relating to fish.

**Assembly Bill 633**—An act to amend Sections 209, 653f, and 667.61 of the Penal Code, relating to crimes.

**Assembly Bill 662**—An act to amend Section 60643 of, and to add Sections 56353, 56354, and 56355 to, the Education Code, relating to special education.

**Assembly Bill 676**—An act to add Section 21025.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

**Assembly Bill 714**—An act to amend Sections 19225, 19226, 19227, 19227.5, and 19229 of the Elections Code, relating to voting.

**Assembly Bill 763**—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

**Assembly Bill 798**—An act to add Sections 14132.94 and 14598 to the Welfare and Institutions Code, relating to health care.

**Assembly Bill 816**—An act to amend Section 80110 of the Water Code, relating to electric power.

**Assembly Bill 824**—An act relating to state employees

**Assembly Bill 847**—An act to amend Section 31220 of, and to amend the heading of Chapter 5.5 (commencing with Section 31220) of Division 21 of, the Public Resources Code, relating to natural resources.

**Assembly Bill 857**—An act to add Section 12734 and 12739.5 to the Insurance Code, relating to health insurance, and making an appropriation therefor.

**Assembly Bill 914**—An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53114.1, 53119, and 53120 of, and to repeal and add Sections 53107 and 53115.2 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137, 41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.

**Assembly Bill 953**—An act to amend Section 66424.6 of the Government Code, relating to land use.

**Assembly Bill 991**—An act to add Section 13514.1 to the Penal Code, relating to peace officer training.

**Assembly Bill 1014**—An act to add Section 525.5 to the Harbors and Navigation Code, relating to vessels.

**Assembly Bill 1048**—An act to amend Section 10089.5 of the Insurance Code, relating to earthquake insurance.

**Assembly Bill 1102**—An act to amend Section 13515.25 of the Penal Code, relating to peace officers.

**Assembly Bill 1108**—An act to add and repeal Section 3041.5 of the Family Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1144**—An act to add Sections 89539.1 and 89539.2 to the Education Code, relating to the California State University.

**Assembly Bill 1145**—An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1148**—An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Sections 295.7 and 9105 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1213**—An act to amend Section 1375.4 of the Health and Safety Code, relating to health care.

**Assembly Bill 1338**—An act to amend Sections 18662 and 18668 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1348**—An act to amend Sections 25200.19 and 25250.7 of, and to add Section 25160.6 to, the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 1354**—An act to add Article 12 (commencing with Section 8125) to Chapter 1 of Part 3 of Division 6 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

**Assembly Bill 1393**—An act to amend Sections 4646.5 and 4648 of the Welfare and Institutions Code, relating to developmental services.

**Assembly Bill 1427**—An act relating to biological solids.

**Assembly Bill 1521**—An act to repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of, the Food and Agricultural Code, relating to diseased animals.

**Assembly Bill 1532**—An act relating to water.

**Assembly Bill 1558**—An act to add Section 1596.602 to the Health and Safety Code, relating to child care.

**Assembly Bill 1687**—An act to add Section 10.5 to the Elections Code, relating to elections.

**Assembly Bill 1735**—An act to add Section 1701.5 to the Public Utilities Code, relating to public utilities.

**Assembly Concurrent Resolution 8**—Relative to the Charles R. Drew University of Medicine and Science.

**REQUEST FOR UNANIMOUS CONSENT (SB 53)**

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 53 at this time, without reference to file.

**Consideration of Senate Bill 53  
Consideration of Assembly Amendments**

**Senate Bill 53**—An act for the support of the government of the State of California and for several public purposes.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 53?

**Roll Call**

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, McClintock, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent.

**REPORTS OF STANDING COMMITTEES  
Committee on Natural Resources and Wildlife**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

AB 1168

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1168**—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 1408

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1408**—An act to amend Section 21201 of, to repeal and add Section 21202 of, and to repeal Section 21208 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**UNANIMOUS CONSENT TO READ BILLS SECOND TIME**

Without objection, all Senate Bills reported from the Committee on Appropriations will be given their second reading upon being reported.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

Mr. President: The Committee on Rules announces the appointment of Senators Chesbro, Ackerman, and Alpert as a Senate Committee on Conference concerning SB 53 to meet a like committee of the Assembly.

BURTON, Chair

**CONSIDERATION OF DAILY FILE**

**THIRD READING OF SENATE BILLS**

**Senate Bill 551**—An act to add Section 758.5 to the Insurance Code, relating to auto insurance.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 178**—An act to amend Section 1954.53 of the Civil Code, relating to rent control.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 841**—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Denham, Ducheny, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Denham, Ducheny, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Dunn.

Bill ordered transmitted to the Assembly.

**Senate Bill 122**—An act to add Section 17204.6 to the Business and Professions Code, relating to unfair competition.

Bill read third time and presented by Senator Escutia.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Escutia moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 749**—An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to hospital group purchasing organizations.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 256**—An act to amend Section 76100 of, and to add Section 70404 to, the Government Code, relating to court facilities.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**Senate Bill 429**—An act to add Section 854.5 to the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Morrow.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, McClintock, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (3)—Senators Ackerman, Brulte, and Machado.

Bill ordered transmitted to the Assembly.

**Senate Bill 906**—An act to amend Section 60622 of, and to add Section 71611.5 to, the Water Code, relating to water.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Bowen, Brulte, Johnson, Knight, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 228**—An act to amend Sections 62.5, 4603.2, and 5402 of, to add Section 3823 to, to repeal Sections 5307.2 and 5307.21 of, and to repeal and add Section 5307.1 of, the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding****FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 122)**

On motion of Senator Escutia, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 122 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 354**—An act to amend Sections 1871.4, 11760, and 11880 of, and to add Section 11661.8 to, the Insurance Code, and to amend

Section 139.3 of, and to add Section 4600.2 to, the Labor Code, relating to workers' compensation insurance.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, Murray, Oller, Ortiz, Perata, Scott, Soto, Speier, and Vincent.

NOES (7)—Senators Aanestad, Ashburn, Brulte, Dunn, Hollingsworth, Knight, and Margett.

Bill ordered transmitted to the Assembly.

**Senate Bill 157**—An act to add Chapter 1.5 (commencing with Section 6025) to Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Burton, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 1022**—An act to add Title 2.97 (commencing with Section 1812.700) to Part 4 of Division 3 of the Civil Code, relating to debt collection.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 708**—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend

Section 42001.2 of, and to add Section 2814.1 to, the Vehicle Code, relating to air pollution.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 1007**—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 457**—An act relating to workers' compensation.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 89**—An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (5)—Senators Burton, Florez, Johnson, Machado, and Vasconcellos.

Bill ordered transmitted to the Assembly.

**Senate Bill 704**—An act to add Section 41606 to the Health and Safety Code, relating to air quality, and making an appropriation therefor.

Bill read third time.

**Amendments Adopted**

Amendments to SB 704 proposed by Senator Florez were read and adopted.

**Consideration of Senate Bill 704 as Amended**

(Consideration of SB 704 in print as amended and properly before the Senate.)

**Senate Bill 704**—An act to add Section 41606 to the Health and Safety Code, relating to air quality.

Bill presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Ducheny, Hollingsworth, Johnson, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 711**—An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray,

Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 760**—An act to amend and repeal Section 6368.8 of, and to add Section 6368.9 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time and presented by Senator Scott.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 821**—An act to add Chapter 5.5 (commencing with Section 66350) to Part 40 of the Education Code, relating to business ethics.

Bill read third time and presented by Senator Alarcón.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 831**—An act to add Section 14005.26 to the Welfare and Institutions Code, relating to human services.

Bill read third time and presented by Senator Perata.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 853**—An act to amend Section 1367 of, and to add Section 1367.04 to, the Health and Safety Code, and to add Section 10133.4 to the Insurance Code, relating to health care coverage.

Bill read third time and presented by Senator Escutia.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 875**—An act to add Section 123232 to the Health and Safety Code, relating to nutrition, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Escutia.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 973**—An act to amend Section 12102 of the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Machado.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Battin, Hollingsworth, and Knight.

Bill ordered transmitted to the Assembly.

**Senate Bill 1005**—An act to amend Sections 1279, 1280, 1280.1, and 1280.2 of, and to add Sections 1266.2 and 1279.1 to, the Health and Safety Code, relating to health facilities.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 252**—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 177**—An act relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Johnson.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 125**—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 25**—An act to amend Sections 1785.11.1, 1785.11.6, 1785.15, and 1798.85 of the Civil Code, relating to personal information.

Bill read third time and presented by Senator Bowen.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette,

Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### **Senator Bowen Presiding**

**Senate Bill 117**—An act relating to public resources.

Bill read third time and presented by Senator Machado.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 126**—An act to amend Section 22825.01 of the Government Code, relating to the Rural Health Care Equity Program.

Bill read third time and presented by Senator Chesbro.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 314**—An act to add Section 130350.5 to the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Murray.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 317**—An act to amend Section 2081.7 of the Fish and Game Code, to amend Section 1013 of the Water Code, and to amend Sections 1 and 9 of Chapter 617 of the Statutes of 2002, relating to the Salton Sea, and making an appropriation therefor.

Bill read third time and presented by Senator Kuehl.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 151**—An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11159.2, 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11161, 11164, 11165, 11167, 11167.5, and 11190 of, and to add Sections 11029.5, 11161.5, 11161.7, 11162.1, 11162.5, and 11164.1 to, the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator Burton.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 964**—An act to add Section 60852.5 to the Education Code, relating to the high school exit examination, and making an appropriation therefor.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 2**—An act to add Part 8.5 (commencing with Section 2020) to Division 2 of the Labor Code, relating to health care coverage.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 504**—An act to add Chapter 7 (commencing with Section 132600) to Division 12.7 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 614**—An act to amend Sections 18648, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Section 18407 to, and to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 709**—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill read third time and presented by Senator Florez.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 915**—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.22, 66540.40, and 66540.72 of, to add Section 66540.29 to, and to repeal Section 66540.23 of, the Government Code, relating to transportation.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 922**—An act to amend Section 13304 of the Water Code, relating to water.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1004**—An act to add Chapter 8.5 (commencing with Section 13610) to Division 7 of the Water Code, relating to perchlorate.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 495**—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 549**—An act to add Chapter 9.7 (commencing with Section 6267) to Title 7 of Part 3 of the Penal Code, relating to inmates.

Bill read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 602**—An act to amend Sections 1785.11.1 and 1785.11.2 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend Sections 530.6 and 530.8 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 617**—An act to amend Section 1639 of, and to add Sections 1639.35 and 7158.3 to, the Health and Safety Code, relating to anatomical gifts.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 712**—An act to amend Sections 64201 and 64202 of the Education Code, relating to education.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 792**—An act to amend Section 410.30 of the Code of Civil Procedure, relating to jurisdiction.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 921**—An act to add Division 112 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 1009**—An act to amend Sections 6487 and 7101 of, and to add Sections 6452.1, 6487.3, and 18510 to, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 216**—An act to amend Sections 2106 and 2109 of, to amend and renumber Section 2116 of, and to repeal Section 2106.5 of the Fish and Game Code, relating to endangered species

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 60**—An act to amend Sections 1653.5, 12800, 12801, 12801.5, 12814.5, 14900, 14900.1, 14901, and 14902 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 383**—An act to amend Sections 33533 and 33538 of the Education Code, relating to curriculum development.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 425**—An act to amend Section 530.5 of the Penal Code, relating to identity theft.

Bill read third time and presented by Senator Poochigian.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 823**—An act relating to students.

Bill read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 323**—An act relating to Medi-Cal.

Bill read third time and presented by Senator Soto.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado,

McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 428**—An act relating to adult day health care.

Bill read third time and presented by Senator Perata.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### Senator Alpert Presiding

**Senate Bill 322**—An act relating to medical research.

Bill read third time and presented by Senator Ortiz.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 771**—An act to amend and renumber Sections 125115, 125116, and 125117 of, to add Section 125305 to, to add the headings of Part 5.5 (commencing with Section 125300) and Chapter 1 (commencing with Section 125300) to Division 106 of, and to repeal the heading of Article 5 (commencing with Section 125115) of Chapter 1 of Part 5 of Division 106 of, the Health and Safety Code, relating to human tissue.

Bill read third time and presented by Senator Ortiz.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 130**—An act to add Division 1.5 (commencing with Section 1180) to the Health and Safety Code, relating to mental health.

Bill read third time and presented by Senator Chesbro.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

**Senate Bill 857**—An act relating to Medi-Cal.

Bill read third time and presented by Senator Speier.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 824**—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill read third time and presented by Senator Scott.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Scott moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 451**—An act to add Section 107.4 to the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 471**—An act to amend Sections 60601 and 60602 of the Education Code, relating to pupil testing.

Bill read third time and presented by Senator Vasconcellos.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Vasconcellos moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 754**—An act to add Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest resources.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 20**—An act to add Article 11.7 (commencing with Section 25243) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 42460) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous and solid waste

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senator Bowen Presiding**

**Senate Bill 916**—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, and 31010 of, to amend and renumber Section 188.10 of, to add Sections 30881, 30914.5, and 30922 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor.

Bill read third time and presented by Senator Perata.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 245**—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 996**—An act to add Section 157 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 71**—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 376**—An act to amend Section 2401 of, and to add Section 2401.1 to, the Business and Professions Code, relating to healing arts.

Bill read third time and presented by Senator Chesbro.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ackerman, and Knight.

Bill ordered transmitted to the Assembly.

**Senator Burton Presiding**

**Senate Bill 506**—An act to amend Section 4164 of the Business and Professions Code, and to amend Sections 14328 and 15051 of the Food and Agricultural Code, relating to pharmaceuticals, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 15**—An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.42, 17078.52, 17078.54, 17078.58, and 17078.62 of, and to repeal Section 17078.50 of, the Education Code, relating to education facilities.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 352**—An act to amend Sections 17074.30 and 17213 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Motion to Refer Measure to the Inactive File**

Senator Dunn moved that **SB 744** be placed on the inactive file.

Motion carried.

**Senate Bill 211**—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill read third time and presented by Senator Dunn.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 278**—An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez,

Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 656**—An act to add Section 39614 to the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Sher.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 86**—An act to amend Sections 29753, 29760, 29761, 29762, and 29763 of, and to repeal Section 29761.5 of, the Public Resources Code, relating to delta protection.

Bill read third time and presented by Senator Machado.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 471)

On motion of Senator Vasconcellos, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 471 was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 824)**

On motion of Senator Scott, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 824 was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SB 899)**

Senator Poochigian asked for, and was granted, unanimous consent to take up SB 899 at this time.

**Consideration of Senate Bill 899**

**Senate Bill 899**—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

June 4, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 177—Aye	SB 117—Aye	SB 126—Aye
SB 504—Aye	SB 709—Aye	SB 922—Aye
SB 549—Aye	SB 602—Aye	SB 617—Aye
SB 712—Aye	SB 1009—Aye	SB 216—Aye
SB 130—Aye	SB 857—Aye	SB 20—Aye
SB 916—Aye	SB 245—Aye	SB 996—Aye

JOHN L. BURTON, President pro Tempore

June 4, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 551—No	SB 178—No	SB 749—No
SB 256—No	SB 429—No	SB 906—No
SB 821—No	SB 915—No	SB 922—No
SB 1004—No	SB 495—No	SB 549—Aye
SB 602—No	SB 617—No	SB 712—No
SB 792—No	SB 383—No	SB 824—No
SB 754—No	SB 376—No	SB 506—No
SB 15—Aye	SB 352—No	SB 211—No
SB 278—No	SB 656—No	SB 86—No
SB 899—Aye		

JAMES L. BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 1:18 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, June 5, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 4, 2003

Mr. President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning SB 53: Oropeza, Campbell, and Steinberg.

Assembly Chamber, June 4, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 50

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 50**—An act to amend Sections 245, 12011, 12020, 12022, 12022.5, 12079, 12275, 12275.5, 12280, 12285, 12286, 12287, 12288, 12288.5, 12289, and 12290 of, and to add Section 12278 to, the Penal Code, relating to firearms.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing, June 4, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SB 752

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bill ordered to second reading.

Date of Hearing, June 4, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 23	SB 434	SB 757	SB 923
SB 140	SB 445	SB 888	SB 929
SB 430	SB 545	SB 892	

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, June 3, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 994

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 335

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ALPERT, Chair

Above measure ordered filed with the Secretary of the Senate.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1028

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1028**—An act to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 512

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 512**—An act to add Chapter 6.7 (commencing with Section 36575) to, and Article 3 (commencing with Section 36920) to Chapter 7 of, Division 27 of the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SCA 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 182

AB 277

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 182**—An act to amend Sections 700.010, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend Section 17409 of the Welfare and Institutions Code, relating to exempt property.

Bill read second time.

**Assembly Bill 277**—An act to amend Section 17526 of, and to add Section 17529 to, the Business and Professions Code, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of the Elections Code, relating to fraudulent practices.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 753

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 753**—An act to amend Sections 14669.15 and 14669.16 of the Government Code, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 171

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 171**—An act to amend Section 6276.24 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 506

AB 1488

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 506**—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

Bill read second time.

**Assembly Bill 1488**—An act to amend Section 1270.1 of the Penal Code, relating to domestic violence protective orders.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 527

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, June 4, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 80

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 80**—An act to amend Section 31485.7 of, and to add Section 31641.55 to, the Government Code, relating to county employees’ retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 752**—An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40303, 40305, 40305.5, 40500, and 40504 of the Vehicle Code, relating to identification.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 23**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14560, 14561, 14573.51, 14575, 14575.1, 14581, and 14585 of, and to add Sections 14513.5 and 14575.5

to, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 140**—An act to amend Sections 46601.5, 48209.1, 48209.15, and 48209.16 of, to amend, add, and repeal Section 48204 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 430**—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 434**—An act to amend Sections 25530, 25531, 25533, 25533.5, 25535, 25536, 29540, 29541, 29544, and 29545 of the Corporations Code, to amend Sections 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of the Government Code, and to add Section 131 to the Penal Code, relating to investigations.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 445**—An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 545**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacists.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 757**—An act to add Section 5307.27 to the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 888**—An act to amend Sections 348, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add Sections 330.1, 330.2, 330.4, 330.6, 367.5, 393.1, 393.2, 454.55, 454.10, and 761.7 to, to repeal Sections 334, 338, 341.1, 341.5, 346, 350, 355, 356, 359, 360, 361, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal and add Sections 330, 365, and 366 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 892**—An act to add Section 35292.5 to the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 923**—An act to amend Sections 5650, 13261, and 12011 of the Fish and Game Code, and to amend Sections 13265 and 13269 of the Water Code, relating to water, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 929**—An act to amend Sections 12303.2, 12303.3, and 12303.6 of, and to add Section 12313 to, the Penal Code, relating to explosives.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 994**—An act relating to water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 527**—An act to add Chapter 12 (commencing with Section 15399.70) to Part 6.7 of Division 3 of Title 2 of the Government Code, relating to economic development.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

#### COMMUNICATIONS

The following letter of explanation of vote was ordered printed in the Journal:

June 4, 2003

*Mr. Gregory Schmidt*  
*Secretary of the Senate*

Dear Mr. Schmidt: Because of my attention to a legislative matter, working with constituents, I was off of the Senate floor during the debate and votes on SB 228 (Alarcón) and SB 354 (Speier), both of which relate to Workers' Compensation.

Had I been on the Senate Floor, I would have voted in favor of both of these bills.

Sincerely,

TOM TORLAKSON  
Seventh Senatorial District

#### SENATE COMMITTEE ROLL CALLS Committee on Appropriations

**SB 23**—Do pass as amended

AYES (8)—Senators Alpert, Battin, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (2)—Senators Ashburn and Bowen.

**SB 140**—Do pass as amended

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 335—Do pass as amended**

AYES (5)—Senators Alpert, Burton, Escutia, Karnette, and Murray.

NOES (6)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, and Poochigian.

Failed Passage

**SB 430—Do pass as amended**

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, and Poochigian.

NOES (2)—Senators Bowen and Machado.

**SB 434—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

**SB 445—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 545—Do pass as amended**

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 752—Do pass**

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (1)—Senator Burton.

**SB 757—Do pass as amended**

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, and Poochigian.

NOES (0)—None.

**SB 888—Do pass as amended**

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 892—Do pass as amended**

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (0)—None.

**SB 923—Do pass as amended**

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

**SB 929—Do pass as amended**

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 6/4/03

Alpert (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Doug Perry of San Ysidro/San Diego.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Pattie Deroeux of Temecula and Wendy Watts of Murrieta.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Louise Galli of Tracy.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Wanda Goerges Long and Lisa Joy Nishkian of Fresno, Richard Z. Nahigian of Sacramento, and Garabed “Gar” Tootelian of Reedley.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators’ requests until 8:30 a.m., Thursday, June 5, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 5, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord*, Grant that we may render unto Caesar that which is Caesar's and to God that which is God's. And from both we ask mercy.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Bowen led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**Senate Bill 140**—An act to amend Section 46601.5 of, and to amend, add, and repeal Section 48204 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Denham.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Burton, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Burton, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Motion to Refer Measure to Inactive File**

Senator Cedillo moved that **SB 766** be placed on the inactive file.

Motion carried.

**Senate Bill 24**—An act to add Section 124034 to the Health and Safety Code, and to add Sections 14148.03, 14148.04, and 14148.05 to the Welfare and Institutions Code, relating to health care.

Bill read third time and presented by Senator Figueroa.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Figueroa moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 359**—An act to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, relating to the Bureau for Private Postsecondary and Vocational Education, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Figueroa.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (6)—Senators Battin, Brulte, Knight, McClintock, Oller, and Poochigian.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (6)—Senators Battin, Brulte, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 752**—An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40303, 40305, 40305.5, 40500, and 40504 of the Vehicle Code, relating to identification.

Bill read third time and presented by Senator Alpert.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Chesbro, Denham, Ducheny, Dunn, Figueroa, Johnson, Karnette, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators Burton and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Senate Bill 430**—An act to amend, repeal, and add Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read third time and presented by Senator Johnson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Torlakson, and Vasconcellos.

NOES (7)—Senators Bowen, Chesbro, Dunn, Romero, Sher, Soto, and Speier.

Bill ordered transmitted to the Assembly.

**Senate Bill 434**—An act to amend Sections 25530, 25531, 25533, 25533.5, 25535, 25536, 29540, 29541, 29544, and 29545 of the Corporations Code, to amend Sections 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of the Government Code, and to add Section 131 to the Penal Code, relating to investigations.

Bill read third time and presented by Senator Escutia.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 445**—An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 545**—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacists.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 929**—An act to amend Sections 12303.2, 12303.3, and 12303.6 of, and to add Section 12313 to, the Penal Code, relating to explosives.

Bill read third time and presented by Senator Speier.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 994**—An act relating to water.

Bill read third time and presented by Senator Hollingsworth.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (7)—Senators Alarcón, Burton, Kuehl, Machado, McClintock, Oller, and Torlakson.

Bill ordered transmitted to the Assembly.

**Senate Bill 23**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14573.51, 14575, 14575.1, 14581, and 14585 of, and to add Sections 14513.5 and 14575.5 to, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Bowen, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Bowen, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

**Senate Bill 892**—An act to add Section 35292.5 to the Education Code, relating to public schools.

Bill read third time and presented by Senator Murray.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 923**—An act to amend Section 12011 of the Fish and Game Code, and to amend Sections 13261, 13265, and 13269 of the Water Code, relating to water

Bill read third time and presented by Senator Sher.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 757**—An act to add Sections 77.5 and 5307.27 to the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Poochigian.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

#### Senator Romero Presiding

**Senate Bill 527**—An act to amend Section 15363.10 of the Government Code, relating to economic development.

Bill read third time and presented by Senator Vasconcellos.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Senate Bill 888**—An act to amend Sections 335, 348, 352, 364, 367, 377, 379, 392, and 9604 of, to amend and renumber Section 454.1 of, to add Sections 330.1, 330.2, 330.4, 330.6, 367.5, 393.1, 393.2, 454.55, 454.10, 701.2, 739.12, and 761.7 to, to repeal Sections 334, 338, 341.1, 341.5, 346, 350, 355, 356, 359, 360, 361, 365.5, 366.5, 367.7, 370, 373, 376, 378, 389, 391, 397, 9600, 9601, 9602, 9603, and 9605 of, and to repeal

and add Sections 330, 365, and 366 of, the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Dunn.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Dunn moved a call of the Senate.

Motion carried.

#### SPECIAL CONSENT CALENDAR

**Senate Bill 976**—An act relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 19**—An act to amend Sections 42239 and 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 33**—An act to amend Sections 17590, 17591, 17592, 17593, 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 56**—An act to add Sections 12749.93 and 12749.94 to the Water Code, relating to water development projects.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 80**—An act to add Section 17204.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 448**—An act to add Section 19584 to the Revenue and Taxation Code, relating to voter registration.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 562**—An act to add Sections 16724.1 and 16724.2 to the Government Code, relating to bonds.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 660**—An act to add Section 2024.5 to the Family Code, relating to court files.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 722**—An act to amend Section 35160.5 and 49558 of the Education Code, relating to education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 762**—An act to amend Section 1210 of the Penal Code, relating to controlled substances.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 802**—An act to amend Section 164.19 of the Streets and Highways Code, relating to transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 826**—An act to add and repeal Section 42283.6 of the Education Code, relating to the Hot Springs Elementary School District.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 838**—An act to add Section 1104.3 to the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 879**—An act to amend Section 290 of the Penal Code, relating to child pornography.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1060**—An act to amend Sections 6405, 6459, 7093.5, 7326, 8105, 9271, 30459.1, 32471, 40211, 41171, 43522, 45867, 46622, 50156.11, 55332, 60022, 60507, 60604, 60606, and 60636 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1062**—An act to amend Sections 51203 and 51283 of the Government Code, and to amend Sections 69.4, 69.5, 75.11, 75.31, 155, 194, 218, 423, 439.2, 532, 534, 1609.5, and 1841 of, to add Section 74.7 to, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 4**—Relative to the California Law Revision Commission.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 268**—An act to amend Sections 20776, 21037, and 21050 of the Government Code, relating to public employees' retirement.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 81**—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 221**—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 302**—An act to amend Section 11135 of the Government Code, relating to discrimination.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 507**—An act to amend and repeal Section 52244 of the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 588**—An act to amend Sections 17070.75 and 33128 of, and to add and repeal Section 17463.5 of, the Education Code, relating to school finance.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 591**—An act to amend Sections 358, 358.1, 361.3, 16002, and 16501.1 of, and to add Sections 16010.5, 16010.6, and 16503.5 to, the Welfare and Institutions Code, relating to dependent children.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 636**—An act to add Section 56509 to the Education Code, relating to special education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 223**—An act to repeal and add Section 4600.1 of the Labor Code, relating to workers' compensation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 24)**

On motion of Senator Figueroa, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 24 was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 888)**

On motion of Senator Dunn, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 888 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 4, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 17	AB 998	AB 1299	AB 1557
AB 23	AB 999	AB 1309	AB 1569
AB 24	AB 1017	AB 1330	AB 1583
AB 46	AB 1077	AB 1383	AB 1588
AB 227	AB 1086	AB 1389	AB 1589
AB 253	AB 1095	AB 1412	AB 1628
AB 369	AB 1097	AB 1431	AB 1629
AB 465	AB 1137	AB 1453	AB 1633
AB 514	AB 1154	AB 1462	AB 1690
AB 559	AB 1179	AB 1465	AB 1693
AB 626	AB 1217	AB 1470	AB 83
AB 632	AB 1219	AB 1472	AB 107
AB 655	AB 1220	AB 1479	AB 115
AB 968	AB 1241	AB 1497	AB 164
AB 974	AB 1244	AB 1522	AB 205
AB 984	AB 1253	AB 1528	AB 264
AB 990	AB 1268	AB 1554	AB 265

AB 429	AB 490	AB 736	AB 898
AB 436	AB 491	AB 739	AB 906
AB 457	AB 496	AB 844	AB 921
AB 471	AB 547	AB 855	AB 929
AB 480	AB 598	AB 859	AB 938
AB 487	AB 715	AB 879	

Assembly Chamber, June 4, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 3

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 17**—An act to add Section 10295.3 to the Public Contract Code, relating to public contracts.

**Assembly Bill 23**—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

**Assembly Bill 24**—An act to add Section 2079.7a to the Civil Code, and to add Section 115929 to the Health and Safety Code, relating to public safety.

**Assembly Bill 46**—An act to add Section 1798.85.1 to the Civil Code, relating to identity theft.

**Assembly Bill 227**—An act to add Section 5307.22 to the Labor Code, relating to workers' compensation.

**Assembly Bill 253**—An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

**Assembly Bill 369**—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

**Assembly Bill 465**—An act relating to state employees.

**Assembly Bill 514**—An act to add Section 111 to the Water Code, relating to water.

**Assembly Bill 559**—An act to add Section 1808.27 to the Vehicle Code, relating to vehicles.

**Assembly Bill 626**—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

**Assembly Bill 632**—An act to amend Section 22754 of the Government Code, and to amend Section 12302.25 of, and to add Section

12302.21 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

**Assembly Bill 655**—An act relating to postsecondary education.

**Assembly Bill 968**—An act to add Section 3600.7 to the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 974**—An act to repeal and add Section 30244 of the Public Resources Code, relating to the coastal zone.

**Assembly Bill 984**—An act to amend Sections 9855, 9855.2, and 9855.5 of the Business and Professions Code, and to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

**Assembly Bill 990**—An act to add Article 7 (commencing with Section 79250) to Chapter 9 of Part 48 of the Education Code, relating to community colleges.

**Assembly Bill 998**—An act to add Article 9.1 (commencing with Section 41998) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality, and making an appropriation therefor.

**Assembly Bill 999**—An act to add Section 14132.27 to the Welfare and Institutions Code, relating to health care.

**Assembly Bill 1017**—An act to add Sections 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to the Education Code, relating to teachers.

**Assembly Bill 1077**—An act to amend Sections 148.6, 832.5, and 13012 of the Penal Code, relating to peace officers.

**Assembly Bill 1086**—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

**Assembly Bill 1095**—An act to add Section 70394 to the Government Code, relating to libraries.

**Assembly Bill 1097**—An act to amend Section 41851 of the Education Code, relating to school districts.

**Assembly Bill 1137**—An act to amend Sections 44579.1, 44579.2, 44579.5, 47604, 47605, 47607, 47613, 60242, and 60421 of, and to add Sections 47604.32, and 47612.6 to, the Education Code, relating to charter schools.

**Assembly Bill 1154**—An act to add and repeal Section 127032 of the Health and Safety Code, relating to health planning, declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1179**—An act to amend Section 6107 of the Government Code, relating to veterans.

**Assembly Bill 1217**—An act to amend Sections 7060 and 7060.1 of the Government Code, relating to rental property.

**Assembly Bill 1219**—An act to add Chapter 10.8 (commencing with Section 6500) to Title 7 of Part 3 of, and to repeal Section 2053.4 of, the Penal Code, relating to prisons.

**Assembly Bill 1220**—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

**Assembly Bill 1241**—An act to add and repeal Section 128401 of the Health and Safety Code, relating to health professions.

**Assembly Bill 1244**—An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities.

**Assembly Bill 1253**—An act to add and repeal Section 20901.2 of the Government Code, relating to public employees' retirement.

**Assembly Bill 1268**—An act relating to land use.

**Assembly Bill 1299**—An act to amend Sections 1745, 1746, and 1749 of the Health and Safety Code, relating to health facilities.

**Assembly Bill 1309**—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities.

**Assembly Bill 1330**—An act to amend Section 8702 of, and to add and repeal Article 6 (commencing with Section 8780) to Chapter 4 of Part 6 of, the Education Code, relating to instructional programs.

**Assembly Bill 1383**—An act to amend Section 13519.4 of, to add Section 13519.13 to, and to add Article 6 (commencing with Section 13560) to Chapter 1 of Title 6.4 of Part 4 of, the Penal Code, relating to peace officers.

**Assembly Bill 1389**—An act to add Section 7912 to the Public Utilities Code, relating to public utilities.

**Assembly Bill 1412**—An act to add Chapter 2.66 (commencing with Section 7286.27) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1431**—An act to amend Section 1345 of the Health and Safety Code, and to amend Section 1759 of the Insurance Code, relating to insurance.

**Assembly Bill 1453**—An act relating to long-term care.

**Assembly Bill 1462**—An act to amend Section 50517.5 of the Health and Safety Code, relating to farmworker housing.

**Assembly Bill 1465**—An act to add Section 89704.5 to the Education Code, relating to postsecondary education.

**Assembly Bill 1470**—An act to add Section 12302.35 to the Welfare and Institutions Code, relating to in-home supportive services.

**Assembly Bill 1472**—An act to amend Section 12283 of the Elections Code, relating to elections.

**Assembly Bill 1479**—An act to amend Section 11222 of, to add Sections 11205.2 and 11205.3 to, and to repeal and add Sections 11205, 11205.1, and 11214 of, the Vehicle Code, relating to vehicles.

**Assembly Bill 1497**—An act to amend Section 44004 of, and to add Sections 21084.5 and 43501.5 to, the Public Resources Code, relating to solid waste.

**Assembly Bill 1522**—An act to amend Sections 1241, 1241.6, 1410, 1410.2, 1675.2, 1703.6, 13223, 13261, 13376, 13627, 13627.4 of, and to amend the heading of Article 1 (commencing with Section 13300) of, and the heading of Article 2 (commencing with Section 13320) of, Chapter 5 of Division 7 of, and to repeal Sections 1062, 1241.5, and 13523.5 of, the Water Code, and to repeal Section 10 of Chapter 1541 of the Statutes of 1984, relating to water.

**Assembly Bill 1528**—An act relating to health care coverage.

**Assembly Bill 1554**—An act to amend and repeal Section 42285.3 of the Education Code, relating to schools.

**Assembly Bill 1557**—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

**Assembly Bill 1569**—An act relating to care facilities.

**Assembly Bill 1583**—An act to add Section 19135 to the Government Code, relating to state employees.

**Assembly Bill 1588**—An act relating to state employees.

**Assembly Bill 1589**—An act relating to state employees.

**Assembly Bill 1628**—An act to amend Sections 1262.5 and 1371.4 of the Health and Safety Code, relating to health care.

**Assembly Bill 1629**—An act to amend Sections 128735, 128740, and 128745 of the Health and Safety Code, relating to statewide health planning and development.

**Assembly Bill 1633**—An act to amend Section 50408 of the Health and Safety Code, relating to housing.

**Assembly Bill 1690**—An act to add Article 4 (commencing with Section 55650) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, and to amend Sections 17041.5 and 19533 of, to add

Section 99.3 to, and to add Part 10.1 (commencing with Section 18201) to, the Revenue and Taxation Code, relating to local government.

**Assembly Bill 1693**—An act to add and repeal Division 4.8 (commencing with Section 4950) of the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 83**—An act to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

**Assembly Bill 107**—An act to add Sections 79522 and 79522.5 to the Water Code, relating to water.

**Assembly Bill 115**—An act to amend Sections 35294.7, 35294.8, and 44276.1 of the Education Code, relating to school safety.

**Assembly Bill 164**—An act to add and repeal Article 17 (commencing with Section 35420) of Chapter 2 of Part 22 of the Education Code, relating to the Inglewood Unified School District.

**Assembly Bill 205**—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 18521 of the Revenue and Taxation Code, relating to domestic partnerships.

**Assembly Bill 264**—An act to add Section 17462.7 to, and to add and repeal Section 17462.5 of, the Education Code, relating to public schools.

**Assembly Bill 265**—An act to amend and repeal Section 22954 of, to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

**Assembly Bill 429**—An act to amend Section 104322 of the Health and Safety Code, relating to cancer.

**Assembly Bill 436**—An act to add and repeal Section 14133.55 of the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 457**—An act to add and repeal Sections 20901.5 and 20904.5 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement.

**Assembly Bill 471**—An act to add Chapter 3.3 (commencing with Section 39630) to Part 2 of Division 26 of the Health and Safety Code, relating to air emissions.

**Assembly Bill 480**—An act to amend Section 15339.29 of the Government Code, relating to economic development.

**Assembly Bill 487**—An act to amend Section 2105 of the Elections Code, relating to elections.

**Assembly Bill 490**—An act to amend Sections 48645.5, 48850, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

**Assembly Bill 491**—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of the Education Code, and to amend Sections 10295, 10430, and 12100.5 of the Public Contract Code, relating to the California State University.

**Assembly Bill 496**—An act to add and repeal Division 23.6 (commencing with Section 33807) of the Public Resources Code, relating to the Santa Ana River Conservancy.

**Assembly Bill 547**—An act to add Section 66025.6 to the Education Code, relating to public postsecondary education.

**Assembly Bill 598**—An act to add Section 17074.24 to the Education Code, relating to public schools.

**Assembly Bill 715**—An act to amend Sections 17070.15, 17072.10, 17072.30, and 17072.32 of the Education Code, relating to school facilities.

**Assembly Bill 736**—An act to add Section 17077.36 to the Education Code, relating to school facilities.

**Assembly Bill 739**—An act to amend Section 706.030 of the Code of Civil Procedure, and to amend Sections 4200, 4201, 4204, 5235, 5237, 5240, 5247, 5253, and 17309 of, and to add Sections 17311, 17311.5, and 17311.7 to, the Family Code, relating to child support, and making an appropriation therefor.

**Assembly Bill 844**—An act to add Chapter 8.7 (commencing with Section 25740) to Division 15 of the Public Resources Code, relating to tire efficiency.

**Assembly Bill 855**—An act to add Section 14666.8 to the Government Code, and to add Section 709.5 to the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 859**—An act to add and repeal Section 31221 of the Public Resources Code, relating to oceans.

**Assembly Bill 879**—An act to add Chapter 17 (commencing with Section 121348) to Part 4 of Division 105 of the Health and Safety Code, relating to health care.

**Assembly Bill 898**—An act to add Section 680 to the Penal Code, relating to DNA evidence.

**Assembly Bill 906**—An act to add Division 39 (commencing with Section 72500) to the Public Resources Code, relating to vessels.

**Assembly Bill 921**—An act to add Sections 60200.8 and 60220.5 to the Education Code, relating to instructional materials.

**Assembly Bill 929**—An act to add Section 104.23 to the Streets and Highways Code, relating to transportation.

**Assembly Bill 938**—An act to add Sections 2987.2, 4549, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

**Assembly Joint Resolution 3**—Relative to student financial aid.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 10:05 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, June 9, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, June 5, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 329, AB 806.

**Banking, Commerce and International Trade**—AB 679, AB 1355; SJR 19.

**Business and Professions**—AB 544, AB 746, AB 801, AB 1074, AB 1196, AB 1392, AB 1458, AB 1553, AB 1777.

**Education**—AB 294, AB 560, AB 942, AB 1366, AB 1537, AB 1575, AB 1783; ACR 66.

**Elections and Reapportionment**—AB 188, AB 828, AB 1544.

**Energy, Utilities and Communications**—AB 909, AB 1169, AB 1284, AB 1340.

**Environmental Quality**—AB 302, AB 334, AB 1008, AB 1541, AB 1702.

**Governmental Organization**—AB 14, AB 278, AB 323, AB 453, AB 902, AB 1186, AB 1570.

**Health and Human Services**—AB 528, AB 747, AB 786, AB 1201, AB 1298, AB 1370, AB 1373, AB 1402, AB 1683; AJR 32, AJR 33.

**Housing and Community Development**—AB 668, AB 731, AB 1400, AB 1576, AB 1731.

**Insurance**—AB 81, AB 175, AB 362, AB 527, AB 943, AB 996, AB 1318.

**Judiciary**—AB 274, AB 357, AB 540, AB 703, AB 920, AB 1059, AB 1092, AB 1173, AB 1180, AB 1210, AB 1287, AB 1399, AB 1594, AB 1641.

**Labor and Industrial Relations**—AB 807, AB 852, AB 1262, AB 1418, AB 1430, AB 1579, AB 1688, AB 1723.

**Local Government**—AB 1478, AB 1492.

**Natural Resources and Wildlife**—AB 482, AB 627, AB 1476.

**Public Employment and Retirement**—AB 374, AB 719, AB 1141, AB 1156.

**Public Safety**—AB 245, AB 259, AB 1232, AB 1290, AB 1306, AB 1493, AB 1773.

**Revenue and Taxation**—AB 1043, AB 1283, AB 1741, AB 1742.

**Transportation**—AB 712, AB 1343, AB 1409, AB 1449, AB 1662.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources and Environmental Quality**—AB 1006, AB 1724.

**Banking, Commerce and International Trade and Public Safety**—AB 1774.

**Education and Labor and Industrial Relations**—AB 1038.

**Education and Public Safety**—AB 1012.

**Energy, Utilities and Communications and Judiciary**—AB 1164.

**Governmental Organization and Judiciary**—AB 1398.

**Governmental Organization and Local Government**—AB 768.

**Governmental Organization and Public Employment and Retirement**—AB 1498.

- Governmental Organization and Rules**—AB 1486.
- Health and Human Services and Business and Professions**—AB 948.
- Health and Human Services and Judiciary**—AB 1369.
- Housing and Community Development and Judiciary**—AB 512, AB 1525.
- Housing and Community Development and Local Government**—AB 1192.
- Housing and Community Development and Natural Resources and Wildlife**—AB 1216.
- Insurance and Judiciary**—AB 1227.
- Local Government and Education**—AB 1051.
- Local Government and Judiciary**—AB 650, AB 728.
- Public Employment and Retirement and Judiciary**—AB 1082.
- Veterans Affairs and Revenue and Taxation**—AB 214.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 918

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 918**—An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Transportation, to which was referred:

AB 467

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 467**—An act to add Section 99163 to the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 55

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 55**—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 897

AB 366

AB 373

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 897**—An act to add Section 11400.5 to the Welfare and Institutions Code, relating to public social services.

Bill read second time.

**Assembly Bill 366**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 373**—An act to add Section 12693.515 to the Insurance Code, relating to the Healthy Families Program.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 1516

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1516**—An act to amend Section 3048 of the Family Code, relating to child custody, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

SB 790

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 790**—An act relating to public school employer-employee relations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 398

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 398**—An act to amend Sections 1812.501, 1812.502, 1812.524, 1812.525, 1812.526, 1812.527, 1812.528, 1812.529, 1812.530, 1812.531, 1812.532, and 1812.533 of the Civil Code, and to add Sections 1264.1 and 1264.2 to, and to repeal and add Chapter 2.3 (commencing with Section 1400) of Division 2 of, the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 5, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 1081

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1081**—An act to amend Section 1043 Evidence Code, and to amend Section 832.5 of Penal Code, relating to peace officers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 34:** By Senator Speier—Relative to attorneys.

**Senate Resolution 22:** By Senator Morrow—Relative to the 50th anniversary of the end of the Korean War.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Kerry Rider of Santa Cruz.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Albert Ralph Paul of Fresno.

June 5, 2003

SENATE JOURNAL

1287

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, June 9, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SIXTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, June 9, 2003

The Senate met at 9 a.m.

Hon. John L. Burton, of the 3rd District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senators Battin and Dunn will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 21	AB 658	AB 1191	AB 1417
AB 47	AB 694	AB 1252	AB 1507
AB 95	AB 886	AB 1263	AB 1527
AB 263	AB 897	AB 1266	AB 1616
AB 433	AB 928	AB 1313	AB 1728
AB 473	AB 946	AB 1315	AB 1745
AB 521	AB 1032	AB 1321	AB 1770
AB 539	AB 1049	AB 1331	
AB 561	AB 1119	AB 1358	
AB 621	AB 1151	AB 1360	

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 21**—An act relating to housing.

**Assembly Bill 47**—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

**Assembly Bill 95**—An act to add Sections 17204.7 and 17204.8 to the Business and Professions Code, relating to unfair competition.

**Assembly Bill 263**—An act to repeal and add Section 24410 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 433**—An act to amend Sections 71200, 71201, 71201.5, 71202, 71203, 71204, 71205, 71206, 71207, 71211, 71212, 71213, 71215, 71216, and 71271 of, to amend the headings of Chapter 4 (commencing with Section 71215) of, and Chapter 5 (commencing with Section 71216) of, Division 36 of, to add Sections 71201.7, 71204.2, 71204.3, 71204.5, 71204.7, 71204.9, 71210.5, and 71217 to, and to repeal and add Section 71210 of, the Public Resources Code, and to amend Sections 44000, 44005, 44007, and 44008 of the Revenue and Taxation Code, relating to vessels.

**Assembly Bill 473**—An act to amend Sections 7071.17, 7085.5, 7085.6, and 7090.1 of the Business and Professions Code, relating to contractors.

**Assembly Bill 521**—An act to amend, repeal, and add Section 4074 of the Business and Professions Code, relating to pharmacies.

**Assembly Bill 539**—An act to amend Section 1766 of the Business and Professions Code, relating to healing arts.

**Assembly Bill 561**—An act to amend Section 4561 of the Public Resources Code, relating to timber harvest.

**Assembly Bill 621**—An act to add and repeal Article 2.7 (commencing with Section 11595) to Chapter 1 of Part 3 of the Insurance Code, relating to health services.

**Assembly Bill 658**—An act to add and repeal Section 19613.9 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

**Assembly Bill 694**—An act to amend Section 6246 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 886**—An act relating to state employees.

**Assembly Bill 897**—An act to amend Sections 13264, 13268, 13321, 13350, 13372, 13383, 13385, and 13387 of the Water Code, relating to water.

**Assembly Bill 928**—An act to add Section 487.8 to the Penal Code, relating to vessels.

**Assembly Bill 946**—An act to amend Section 11364.7 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

**Assembly Bill 1032**—An act to add Sections 10170 and 10171 to the Public Contract Code, relating to contractors.

**Assembly Bill 1049**—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

**Assembly Bill 1119**—An act to add Title 4.7 (commencing with Section 13630) to Part 4 of the Penal Code, relating to law enforcement agencies.

**Assembly Bill 1151**—An act to amend Section 911.4 of the Government Code, to amend Section 1527.6 of the Health and Safety Code, and to amend Sections 827 and 16501.1 of, and to add Section 16000.1 to, the Welfare and Institutions Code, relating to foster care.

**Assembly Bill 1191**—An act to amend Section 678 of, and to add Chapter 11.5 (commencing with Section 679.9) to Part 1 of, Division 1 of the Insurance Code, relating to property insurance.

**Assembly Bill 1252**—An act to amend Sections 1639, 1679, 1781.3, and 10234.93 of the Insurance Code, relating to insurance.

**Assembly Bill 1263**—An act to amend Section 602 of the Penal Code, relating to trespass.

**Assembly Bill 1266**—An act to amend Sections 52055.650, 60800, 69440, 76355, and 84750 of, to add Sections 18866, 60227, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and to repeal Chapter 7 (commencing with Section 99300) of Part 65, of the Education Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1313**—An act to amend Sections 290 and 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1315**—An act to amend Section 12021 of the Penal Code, relating to firearms.

**Assembly Bill 1321**—An act to amend Section 20235 of the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

**Assembly Bill 1331**—An act to add Chapter 4.8 (commencing with Section 832.91) to Title 3 of Part 2 of the Penal Code, relating to peace officers.

**Assembly Bill 1358**—An act to add Section 33213.5 to the Health and Safety Code, relating to redevelopment.

**Assembly Bill 1360**—An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

**Assembly Bill 1417**—An act to amend Section 84207 of, and to add Article 1.5 (commencing with Section 84730) to Chapter 5 of Part 50 of, the Education Code, relating to community colleges, and making an appropriation therefor.

**Assembly Bill 1507**—An act to amend Section 7901 of the Labor Code, relating to employment.

**Assembly Bill 1527**—An act relating to health care coverage.

**Assembly Bill 1616**—An act to add Division 10 (commencing with Section 7920) to Title 1 of the Government Code, relating to intellectual property.

**Assembly Bill 1728**—An act to amend Section 10236.12 of the Insurance Code, relating to insurance.

**Assembly Bill 1745**—An act to amend Sections 10221, 10222, and 10224 of, and to add Section 10224.5 to, the Public Contract Code, relating to public contracts.

**Assembly Bill 1770**—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Section 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

June 5, 2003

Mr. President: The Committee on Rules has examined:  
SB 95

And reports that the same has been correctly enrolled, and held at the Desk pursuant to Joint Rule 57.

BURTON, Chair

**Committee on Natural Resources and Wildlife**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

AB 1019

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1019**—An act relating to parks.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 326

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 326**—An act to amend Section 30801 of the Food and Agricultural Code, relating to animals.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

AB 294

AB 310

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 294**—An act to amend Section 46300.8 of the Education Code, relating to schools.

Bill read second time.

**Assembly Bill 310**—An act to add Sections 33050, 45062, 45168.5, 87835, and 88167.5 to the Education Code, relating to school employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

AB 706

AB 1410

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 706**—An act to add Section 61600.3 to the Government Code, relating to community services districts.

Bill read second time.

**Assembly Bill 1410**—An act to amend Sections 54220 and 54222 of the Government Code, relating to surplus land.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 1402 AB 1413

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1402**—An act to amend Section 11265.3 of the Welfare and Institutions Code, relating to CalWORKs.

Bill read second time.

**Assembly Bill 1413**—An act to amend Section 102535 of the Health and Safety Code, relating to vital records.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

AB 13 AB 1717 AB 1718

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 13**—An act to add and repeal Section 118.7 of the Streets and Highways Code, relating to the Department of Transportation.

Bill read second time.

**Assembly Bill 1717**—An act to amend Sections 8879.1, 14524.2, and 65082 of, to add Section 14524.1 to, and to repeal Sections 8879.17, 14051, 14524.15, 14524.16, and 14525.5 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102105 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 302, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

Bill read second time.

**Assembly Bill 1718**—An act to amend Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2,

3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Senate Chamber, June 9, 2003

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which were referred:

AB 169

AB 620

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 169**—An act to add Section 22062 to the Financial Code, relating to finance lending.

Bill read second time.

**Assembly Bill 620**—An act to amend Section 10229 of the Business and Professions Code, relating to real estate.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 35:** By Senator Florez—Relative to United States Navy Lieutenant Commander Otis Vincent Tolbert Memorial Highway.

**Senate Concurrent Resolution 36:** By Senator Knight (Principal coauthor: Senator Ashburn) (Principal coauthor: Assembly Member Runner)—Relative to the centennial anniversary of flight.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 897** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules; and

**AB 453** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Judiciary.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin and Dunn.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Greg Gerth of Sacramento.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Victor B. Guynup of Eureka.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Virginia Edwards of Raleigh, NC and Sgt. Atanacio Haromarin of Baldwin Park.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, June 10, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, June 10, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senators Cedillo and Romero will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Insurance

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

AB 794

AB 1729

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 794**—An act to add Section 12969 to the Insurance Code, relating to the Department of Insurance.

Bill read second time.

**Assembly Bill 1729**—An act to amend Section 985 of the Insurance Code, relating to insolvency.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SR 21

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Resolution 21**—Relative to Support for Boeing 7E7 Jetliner Project at the Palmdale Regional Airport.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 583

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 583**—An act to amend Section 1798.24 of, and to repeal Section 1798.74 of, the Civil Code, and to amend Section 6254 of the Government Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

AB 16 AB 1168

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 504

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 722

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 722**—An act to add Sections 10290.3 and 12101.7 to the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 669 SB 753

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 669

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 605

Reports the same back with the recommendation: Do pass.

VINCENT, Chair

Above bill ordered to second reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 1208

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

VINCENT, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Wildlife**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 635

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Date of Hearing, June 9, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

AB 1265

AB 1386

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

FIGUEROA, Chair

Above measures re-referred to the Committee on Judiciary.

Date of Hearing, June 9, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

AB 371

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

FIGUEROA, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, June 9, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

AB 116

AB 341

AB 525

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bills ordered to second reading.

**Committee on Local Government**

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

AB 1051

AB 1347

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1051**—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

**Assembly Bill 1347**—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.



**Committee on Public Employment and Retirement**

Date of Hearing, June 9, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 80                      AB 266                      AB 1281

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above bills ordered to second reading.

Date of Hearing, June 9, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 398                      AB 697                      AJR 29

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SOTO, Chair

Above measures ordered to second reading.

Date of Hearing, June 9, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 475                      AB 908

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 9, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 199                      AB 212                      AB 268

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Agriculture and Water Resources**

Senate Chamber, June 10, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 1006

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1006**—An act to add Section 17615 to the Education Code, relating to pesticide.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 37:** By Senator Vincent—Relative to Juneteenth.

**SENATE COMMITTEE ROLL CALLS****Committee on Business and Professions**

**AB 116**—Do pass

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 202**—Do pass as amended

AYES (4)—Senators Cedillo, Figueroa, Murray, and Vincent.

NOES (2)—Senators Aanestad and Brulte.

**AB 341**—Do pass

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 371**—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 525**—Do pass

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 769**—Do pass as amended

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 1265**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

**AB 1386**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Aanestad, Brulte, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

Date of Hearing: 6/9/03

Figueroa (Chair)

**Committee on Governmental Organization****SB 669**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Brulte, Chesbro, Dunn, Johnson, Karnette, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**SB 753**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Dunn, Karnette, Machado, Murray, Soto, and Vincent.

NOES (5)—Senators Battin, Brulte, Johnson, Margett, and Morrow.

**AB 605**—Do pass

AYES (9)—Senators Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (2)—Senators Battin and Brulte.

**AB 669**—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1208**—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Battin, Brulte, Chesbro, Johnson, Margett, Morrow, and Vincent.

NOES (3)—Senators Dunn, Machado, and Murray.

Date of Hearing: 6/10/03

Vincent (Chair)

**Committee on Natural Resources and Wildlife****AB 16**—Do pass and re-refer to Committee on Appropriations.

AYES (5)—Senators Alpert, Bowen, Kuehl, Ortiz, and Sher.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 504**—Do pass

AYES (7)—Senators Alpert, Bowen, Denham, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Hollingsworth and Oller.

**AB 635**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 1168**—Do pass and re-refer to Committee on Appropriations.

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 6/10/03

Kuehl (Chair)

**Committee on Public Employment and Retirement**

**AB 80**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 199**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 212**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 266**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 268**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 398**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 475**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 697**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 908**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1281**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Ashburn.

**AJR 29**—Be adopted, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

Date of Hearing: 6/9/03

Soto (Chair)

**Committee on Public Safety****AB 172**—Do pass

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 207**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Vasconcellos.

Failed passage

**AB 207**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 270**—Do pass and re-refer to Committee on Rules

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Burton and Sher.

Failed passage

**AB 270**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 354**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 365**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 580**—Do pass

AYES (4)—Senators Burton, Margett, McPherson, and Sher.

NOES (1)—Senator Vasconcellos.

**AB 709**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 837**—Do pass

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Sher.

Failed passage

**AB 837**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 936**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, McPherson, and Vasconcellos.

NOES (0)—None.

**AB 976**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1044**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Vasconcellos.

Failed passage

**AB 1044**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1101**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1254**—Do pass

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1306**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1455**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1488**—Do pass

AYES (4)—Senators Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1495**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1515**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, McPherson, and Sher.

NOES (0)—None.

Date of Hearing: 6/10/03

McPherson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Cedillo and Romero.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Sher requested that when the Senate adjourns this day it do so in memory of Keith Garvey of San Jose.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, June 11, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-EIGHTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, June 11, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—37.  
Quorum present.

*(NOTE: Senator Speier will be excused this day on personal business and  
Senators Bowen and Vincent will be excused this day due to illness.)*

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Appropriations, to which  
was referred:

AB 97

Reports the same back with author's amendments with the  
recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 97**—An act to amend Sections 46601.5, 48209.1,  
48209.15, and 48209.16 of, to amend, add, and repeal Section 48204 of,

and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Transportation**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

AB 1009

AB 1104

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1009**—An act to amend, add, and repeal Section 97 of the Streets and Highways Code, and to amend Section 627 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 1104**—An act to amend Sections 722, 723, 727, 1483, 1484, 1485, and 1487 of the Streets and Highway Code, relating to highways.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 88

AB 308

AJR 2

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 579

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Health and Human Services.

ESCUTIA, Chair

Above measure re-referred to the Committee on Health and Human Services.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 167      AB 326      AB 353      AJR 6

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 44      AB 182

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Environmental Quality**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 1405

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1405**—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 464      AB 528

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 464**—An act to add Sections 1586.6 and 1586.7 to the Health and Safety Code, relating to care facilities.

Bill read second time.

**Assembly Bill 528**—An act to amend Section 1569.2 of, and to add Section 1569.6 to, the Health and Safety Code, relating to Alzheimer's disease.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

AB 503

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Elections and Reapportionment.

ALARCÓN, Chair

Above measure re-referred to the Committee on Elections and Reapportionment.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

AB 223

AB 918

Reports the same back with the recommendation: Do pass.

ALARCÓN, Chair

Above bills ordered to second reading.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

AB 98

AB 330

AB 643

AB 1132

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALARCÓN, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Education**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

AB 833

AB 1012

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 833**—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read second time.

**Assembly Bill 1012**—An act to add Section 48906.5 to the Education Code, relating to public schools.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which was referred:

ACR 31

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which were referred:

AB 1575

AB 1778

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which were referred:

AB 399

AB 1411

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measures ordered to second reading.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which were referred:

AB 96

AB 956

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bills ordered to second reading.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which was referred:

AB 195

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Health and Human Services with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Health and Human Services.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which was referred:

AB 1124

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Health and Human Services.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Health and Human Services.

#### **Committee on Local Government**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

AB 518

AB 838

AB 944

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 518**—An act to amend Section 56668 of the Government Code, relating to local agency formation.

Bill read second time.

**Assembly Bill 838**—An act to add Section 57386 to the Government Code, relating to local agency formation.

Bill read second time.

**Assembly Bill 944**—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add Sections 65565 and 65571 to, the Government Code, relating to local planning.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 104                      AB 920                      AB 1294

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 104**—An act to add Section 1365.2 of the Civil Code, relating to common interest developments.

Bill read second time.

**Assembly Bill 920**—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Section 53754 of the Government Code, relating to real estate disclosures.

Bill read second time.

**Assembly Bill 1294**—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 11, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1407

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1407**—An act to amend Section 714 of the Civil Code, relating to solar energy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 504**—An act to amend Section 5560 of the Public Resources Code, relating to parks and recreation.

Bill read second time and ordered to third reading.

**Assembly Bill 605**—An act to amend Sections 1, 5, and 7 of Chapter 489 of the Statutes of 2001, relating to lands granted in trust to the City and County of San Francisco.

Bill read second time and ordered to third reading.

**Assembly Bill 1208**—An act to amend Section 1091 of the Government Code, relating to conflicts of interest.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Assembly Bill 635**—An act to amend Section 6930 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 116**—An act to amend Sections 2472, 4980.01, and 4996 of, and to add Sections 1626.2 and 2904.5 to, the Business and Professions Code, relating to the healing arts.

Bill read second time and ordered to third reading.

**Assembly Bill 341**—An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

Bill read second time and ordered to third reading.

**Assembly Bill 525**—An act to amend Section 3365.6 of the Business and Professions Code, relating to hearing aids.

Bill read second time and ordered to third reading.

**Assembly Bill 172**—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read second time and ordered to third reading.

**Assembly Bill 580**—An act to amend Section 1203.4 of the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 1254**—An act to amend Sections 830.1 and 832 of the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

**Assembly Bill 1488**—An act to amend Section 1270.1 of the Penal Code, relating to domestic violence protective orders.

Bill read second time and ordered to third reading.

**Assembly Bill 398**—An act to amend Sections 31496.3 and 31621.9 of, and to add Section 31485.10 to, the Government Code, relating to county employees' retirement.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 697**—An act to amend Sections 3526, 3528, 3531, 3532, 3533, 3534, and 3538 of the Government Code, relating to state employees.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 80**—An act to amend Section 31485.7 of, and to add Section 31641.55 to, the Government Code, relating to county employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Bill 266**—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Bill 1281**—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Joint Resolution 29**—Relative to Social Security.

Resolution read second time and ordered to Consent Calendar.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Health and Human Services to meet at 2 p.m. this day without notice in the file.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Constitutional Amendments**

**SCA 6**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Escutia, and McClintock.

NOES (0)—None.

Date of Hearing: 6/11/03

Poochigian (Chair)

##### **Committee on Education**

**AB 36**—Do pass as amended

AYES (10)—Senators Alarcón, Alpert, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 78**—Do pass as amended

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Denham.

**AB 96**—Do pass

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Knight.

**AB 195**—Do pass and re-refer to Committee on Health and Human Services, with the recommendation: To Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 290**—Do pass as amended and re-refer to Committee on Labor and Industrial Relations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Knight.

**AB 399**—Do pass, to Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 610**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 956**—Do pass

AYES (8)—Senators Alarcón, Alpert, Chesbro, Denham, McPherson, Scott, Sher, and Vasconcellos.

NOES (2)—Senators Karnette and Knight.

**AB 1124**—Do pass and re-refer to Committee on Health and Human Services

AYES (7)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

**AB 1411**—Do pass, to Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1575**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1778**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

**ACR 10**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Denham.

**ACR 31**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 6/11/03

Vasconcellos (Chair)

#### **Committee on Judiciary**

**AB 44**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 88**—Do pass

AYES (4)—Senators Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 167**—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 182**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 308**—Do pass

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 326**—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 353**—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 478**—Do pass as amended

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 524**—Do pass as amended

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 579**—Do pass and re-refer to Committee on Health and Human Services

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 690**—Do pass as amended, to Consent Calendar

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1469**—Do pass as amended

AYES (4)—Senators Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AJR 2**—Be adopted

AYES (4)—Senators Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AJR 6**—Be adopted, to Consent Calendar

AYES (5)—Senators Ackerman, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

Date of Hearing: 6/10/03

Escutia (Chair)

**Committee on Labor and Industrial Relations****AB 98**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 223**—Do pass

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 330**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 503**—Do pass and re-refer to Committee on Elections and Reapportionment

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 643**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 918**—Do pass

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 1132**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

**AB 1230**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

Date of Hearing: 6/11/03

Alarcón (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen and Vincent.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Margett requested that when the Senate adjourns this day it do so in memory of Edmund M. Biederman of Walnut.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Daniel Villanueva Hernandez of San Jose.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, June 12, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-NINETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 12, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, and Torlakson—33.

Quorum present.

*(NOTE: Senators Ashburn, Battin, Bowen, Perata, and Vasconcellos will be excused this day on legislative business, Senator Speier will be excused this day on personal business and Senator Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, June 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 612

Above measure ordered enrolled.

Assembly Chamber, June 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 95

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules for assignment:

**Assembly Concurrent Resolution 95**—Relative to the Year of the Blues.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

State Capitol, June 11, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 869, AB 1300, AB 1304, AB 1521.

**Business and Professions**—AB 236.

**Education**—AB 52, AB 54, AB 60, AB 153, AB 163, AB 298, AB 300, AB 356, AB 442, AB 591, AB 642, AB 662, AB 745, AB 825, AB 841, AB 1185, AB 1250, AB 1337, AB 1350, AB 1512, AB 1631, AB 1647, AB 1668, AB 1670.

**Elections and Reapportionment**—AB 177, AB 526, AB 587, AB 714, AB 718, AB 1197, AB 1531, AB 1687.

**Energy, Utilities and Communications**—AB 425, AB 428, AB 653, AB 816, AB 914, AB 1685, AB 1735.

**Environmental Quality**—AB 121, AB 430, AB 455, AB 826, AB 1068, AB 1218, AB 1247, AB 1248, AB 1317, AB 1348, AB 1353, AB 1427, AB 1468, AB 1640.

**Governmental Organization**—AB 28, AB 59, AB 113, AB 385, AB 401, AB 466, AB 753, AB 900, AB 922, AB 1145, AB 1368, AB 1509.

**Health and Human Services**—AB 9, AB 43, AB 183, AB 231, AB 232, AB 256, AB 271, AB 358, AB 691, AB 777, AB 798, AB 820, AB 939, AB 1155, AB 1393, AB 1558, AB 1627, AB 1676.

**Housing and Community Development**—AB 493, AB 1036, AB 1475, AB 1572.

**Insurance**—AB 30, AB 284, AB 343, AB 444, AB 857, AB 1048, AB 1181, AB 1213, AB 1274, AB 1598.

**Judiciary**—AB 292, AB 378, AB 418, AB 634, AB 688, AB 763, AB 845, AB 1108, AB 1143, AB 1229.

**Labor and Industrial Relations**—AB 331, AB 446, AB 606, AB 978, AB 1061, AB 1093, AB 1215, AB 1483, AB 1721.

**Local Government**—AB 170, AB 332, AB 723, AB 953, AB 1199.

**Natural Resources and Wildlife**—AB 396, AB 566, AB 847, AB 1014, AB 1212, AB 1222, AB 1296, AB 1599.

**Public Employment and Retirement**—AB 85, AB 91, AB 106, AB 375, AB 434, AB 552, AB 676, AB 824, AB 896, AB 971, AB 977, AB 1027, AB 1428, AB 1586.

**Public Safety**—AB 6, AB 50, AB 108, AB 134, AB 135, AB 158, AB 187, AB 233, AB 319, AB 402, AB 568, AB 633, AB 638, AB 991, AB 1026, AB 1102, AB 1131, AB 1198, AB 1263, AB 1301, AB 1433, AB 1442, AB 1499, AB 1504, AB 1567.

**Revenue and Taxation**—AB 189, AB 243, AB 986, AB 1338, AB 1601, AB 1666, AB 1740, AB 1744.

**Rules**—AB 235, AB 502, AB 954.

**Transportation**—AB 45, AB 260, AB 361, AB 535, AB 575, AB 616, AB 894, AB 1022, AB 1148, AB 1394.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Water Resources and Environmental Quality**—AB 1076.

**Agriculture and Water Resources and Natural Resources and Wildlife**—AB 105.

**Business and Professions and Public Safety**—AB 1669.

**Education and Health and Human Services**—AB 72, AB 766, AB 1326.

**Education and Public Safety**—AB 608.

**Education and Rules**—AB 648.

**Elections and Reapportionment and Rules**—AB 593.

**Energy, Utilities and Communications and Agriculture and Water Resources**—AB 426.

**Energy, Utilities and Communications and Environmental Quality**—AB 151.

**Governmental Organization and Energy, Utilities and Communications**—AB 808.

**Health and Human Services and Environmental Quality**—AB 1532.  
**Health and Human Services and Insurance**—AB 1524.  
**Health and Human Services and Judiciary**—AB 408, AB 1130.  
**Health and Human Services and Public Safety**—AB 941.  
**Housing and Community Development and Revenue and Taxation**—  
AB 1035.  
**Insurance and Business and Professions**—AB 1286.  
**Judiciary and Public Safety**—AB 20, AB 513.  
**Labor and Industrial Relations and Judiciary**—AB 572, AB 1133.  
**Natural Resources and Wildlife and Environmental Quality**—AB 413.  
**Natural Resources and Wildlife and Rules**—AB 866.  
**Natural Resources and Wildlife and Transportation**—AB 66.  
**Public Employment and Retirement and Judiciary**—AB 159.  
**Public Safety and Transportation**—AB 184, AB 985.  
**Revenue and Taxation and Transportation**—AB 574.  
**Transportation and Rules**—AB 198, AB 692, AB 1546.  
**Veterans Affairs and Revenue and Taxation**—AB 1416.

The Committee on Rules has re-referred the following measures to committee:

**Agriculture and Water Resources**—AB 776.  
**Elections and Reapportionment**—AB 1679.  
**Governmental Organization**—AB 569.

State Capitol, June 11, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Mr. Hugo Morales of Fresno as a member of the California Postsecondary Education Commission to serve for a term Ending December 31, 2007.

Reappointed Sister Marie de Porres Taylor of Oakland as a member of the Board of Vocational Nursing and Psychiatric Technicians to serve for a term ending June 1, 2007.

Appointed Mayor Cristina C. Madrid of Azusa as a member of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to serve for a term ending June 11, 2005.

Appointed Laurie Olsen, Ph.D. of Berkeley as a member of the California Quality Education Commission to serve for a term ending August 1, 2007.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #10 outlining the jurisdiction of the Select Committee on Defense and Aerospace Industry and appointed the following members to serve on the committee: Senators Ashburn, Chair, Aanestad, Alpert, Ducheny, Figueroa, Karnette, Knight, Machado, McClintock, Morrow and Soto.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #13 outlining the jurisdiction of the Select Committee on International Trade Policy and State Legislation and appointed the following members to serve on the committee: Senators Kuehl, Vice Chair, Aanestad, Bowen, Burton, Cedillo, Denham, McPherson and Scott.

The Senate Rules Committee has increased the membership of the Select Committee on Citizen Participation from 3 to 4 members and appointed Senator Escutia to fill the new vacancy.

BURTON, Chair

#### **Committee on Revenue and Taxation**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

AB 132                      AB 137                      AB 322

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Judiciary**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 524

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

#### **Committee on Rules**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Rules, to which was referred:

AJR 31

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

BURTON, Chair

Above measure ordered to second reading.

State Capitol, June 11, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Harold A. Rose, Member, Industrial Welfare Commission (5-0)

Marcy V. Saunders, Member, Occupational Safety and Health Appeals Board (5-0)

A. John Shimmon, Member, Workers' Compensation Appeals Board (5-0)

Joseph W. Cotchett, Member, State Park and Recreation Commission (5-0)

Bruce K. Daniels, Member, California Regional Water Quality Control Board, Central Coast Region (5-0)

Gary C. Shallcross, Member, California Regional Water Quality Control Board, Central Coast Region (5-0)

Francine B. Diamond, Member, California Regional Water Quality Control Board, Los Angeles Region (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Public Safety**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Public Safety, to which was referred: AB 1495

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 49

AB 1102

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 49**—An act to amend Section 13848.6 of the Penal Code, relating to crime.

Bill read second time.

**Assembly Bill 1102**—An act to amend Section 13515.25 of the Penal Code, relating to peace officers.

Bill read second time.



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 373

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Insurance with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Insurance.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 179

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 731

AB 1035

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 731**—An act to amend Section 13146.2 of the Health and Safety Code, relating to fire safety.

Bill read second time.

**Assembly Bill 1035**—An act to add Section 7073.5 to the Government Code, relating to economic development.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SR 21

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Resolution 21**—Relative to Support for Boeing 7E7 Jetliner Project at the Palmdale Regional Airport.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 1586

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1586**—An act to amend Section 22115 of the Education Code, relating to state teachers' retirement

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 241

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 241**—An act to amend Section 27388 of the Government Code, relating to law enforcement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 256                      AB 458                      AB 1369

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 256**—An act to add Section 105307 to the Health and Safety Code, relating to lead.

Bill read second time.

**Assembly Bill 458**—An act to amend Sections 1522.41, 1529.2, and 1563 of the Health and Safety Code, and to amend Sections 16001.9 and 16003 of, and to add Section 16013 to, the Welfare and Institutions Code, relating to human services.

Bill read second time.

**Assembly Bill 1369**—An act to add Section 1569.6 to the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 936

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, June 12, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1338

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1338**—An act to amend Sections 18662 and 18668 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 169

Reports the same back with the recommendation: Do pass.

FLOREZ, Chair

Above bill ordered to second reading.

Date of Hearing, June 11, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which were referred:

AB 73

AB 620

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

FLOREZ, Chair

Above measures re-referred to the Committee on Judiciary.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 23:** By Senator Murray—Relative to aviation.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 88**—An act to add Section 1670.6 to the Civil Code, relating to contracts.

Bill read second time and ordered to third reading.

**Assembly Bill 308**—An act to amend Section 699.510 of the Code of Civil Procedure, relating to money judgments.

Bill read second time and ordered to third reading.

**Assembly Joint Resolution 6**—Relative to Korean immigrants.

Resolution read second time and ordered to Consent Calendar.

**Assembly Bill 167**—An act to amend Sections 1004, 2356.5, 3121, 3144, 6240, 6327, 8852, 9761, 9884, 10151, 10534, 11952, 13601, 19054, 21401, and 21623 of, and to amend and renumber Section 26112 of, the Probate Code, relating to probate.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 326**—An act to amend Section 30801 of the Food and Agricultural Code, relating to animals.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 353**—An act to amend Section 361.5 of the Welfare and Institutions Code, relating to child welfare services.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 223**—An act to amend Section 98.2 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

**Assembly Bill 918**—An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

Bill read second time and ordered to third reading.

**Assembly Bill 399**—An act to amend Section 51221.3 of the Education Code, relating to school curriculum.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1411**—An act to amend Sections 32050 and 48900 of the Education Code, relating to school safety, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 96**—An act to amend Sections 44395, 44396, 44510, 44735, 44751, 44752, 48200.7, 51101, 52054, 52055.52, 52055.600, 52055.605, 52055.610, 52055.615, 52055.620, 52055.625, 52055.650, 52055.655, 52055.656, 52058.1, 58907, 58916, 66941, 69440, 69532, 69612, 69613.1, 69615.4, 70001, 70003, 70005, 99200, 99203, 99220, and 99234 of, to amend the heading of Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of, the Education Code, and to amend Sections 8869.80 and 8869.84 of the Government Code, relating to schools.

Bill read second time and ordered to third reading.

**Assembly Bill 956**—An act to add Section 44013 to the Education Code, relating to teacher credentialing.

Bill read second time and ordered to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1228**—An act to add Section 65850.3 to the Government Code, relating to zoning.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1228 proposed by Senator Brulte were read and adopted and the measure ordered printed and to second reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on June 16:

- AB 116                      AB 172                      AB 308
- AB 341                      AB 1488

**SENATE COMMITTEE ROLL CALLS**

**Committee on Banking, Commerce and International Trade**

**AB 73**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Ducheny, Dunn, Florez, Hollingsworth, and Ortiz.

NOES (2)—Senators Denham and McClintock.

**AB 169**—Do pass

AYES (7)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, McClintock, and Ortiz.

NOES (0)—None.

**AB 620**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, McClintock, and Ortiz.

NOES (0)—None.

Date of Hearing: 6/11/03

Florez (Chair)

**Committee on Health and Human Services**

**AB 179**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Ashburn.

**AB 373**—Do pass and re-refer to Committee on Insurance, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 376**—Do pass

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 414**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 799**—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1166**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1371**—Do pass and re-refer to Committee on Judiciary

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (2)—Senators Aanestad and Vasconcellos.

**AB 1716**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Romero, and Vasconcellos.

NOES (1)—Senator Aanestad.

**AB 1738**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**ACR 34**—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**ACR 75**—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AJR 12**—Do pass

AYES (7)—Senators Alarcón, Chesbro, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (1)—Senator Aanestad.

**AJR 13**—Do pass

AYES (7)—Senators Alarcón, Chesbro, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Aanestad.

Date of Hearing: 6/11/03

Ortiz (Chair)

**Committee on Revenue and Taxation**

**AB 132**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**AB 137**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**AB 322**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

**AB 1548**—Do pass and re-refer to Committee on Appropriations.

AYES (1)—Senator Cedillo.

NOES (0)—None.

Failed Passage

**AB 1548**—Reconsideration granted

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 6/11/03

Cedillo (Chair)

**Committee on Rules**

**AJR 31**—Be adopted, to Consent Calendar

AYES (4)—Senators Burton, Johnson, Karnette, and Knight.

NOES (0)—None.

Date of Hearing: 6/11/03

Burton (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ashburn, Battin, Bowen, Perata, and Vasconcellos.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9:30 a.m., Monday, June 16, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 16, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—38.  
Quorum present.

*(NOTE: Senator Speier will be excused this day on personal business and Senator Vincent will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*O God,* We believe that in the bursting forth of Your Spirit the face of the earth is renewed. Help us to recognize the working of the Spirit among us so that we may be open to transformation. Let us use our gifts for the empowerment of others. We ask this in the name of the One whose promises never fail.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**Senator Bowen Presiding****REPORTS OF STANDING COMMITTEES****Committee on Education**

Date of Hearing, June 11, 2003

Madam President: The Committee on Education, to which was referred:

AB 78

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Banking, Commerce and International Trade**

Senate Chamber, June 16, 2003

Madam President: The Chair of the Committee on Banking, Commerce and International Trade, to which were referred:

AB 479

AB 1031

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 479**—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read second time.

**Assembly Bill 1031**—An act to amend Sections 25212, 25230, 25232, 25241, 25247, 25540, 25541, and 25612.5 of, and to add Sections 25256 and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 16, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 1092

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1092**—An act to amend Section 1749.5 of, and to add Section 1749.45 to, the Civil Code, and to amend Section 1520.5 of the Code of Civil Procedure, relating to gift certificates.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, June 16, 2003

Madam President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 1218

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1218**—An act to amend Section 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Date of Hearing, June 9, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 202

AB 769

Reports the same back with the recommendation: Do pass as amended.

FIGUEROA, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Date of Hearing, June 10, 2003

Madam President: The Committee on Public Safety, to which was referred:

AB 365

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, June 16, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 231

AB 390

AB 747

AB 1370

AB 1402

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 231**—An act to amend Section 11155 of, to add Sections 18901.6, 18901.9, and 18901.10 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time.

**Assembly Bill 390**—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

Bill read second time.

**Assembly Bill 747**—An act to add Section 14105.49 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Assembly Bill 1370**—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1402**—An act to amend Section 11265.3 of the Welfare and Institutions Code, relating to CalWORKs.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 16, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 85

AB 1141

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 85**—An act to add Section 21023.2 to the Government Code, relating to public retirement, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1141**—An act to amend Section 3502.5 of the Government Code, relating to employer-employee relations.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, June 11, 2003

Madam President: The Committee on Education, to which was referred:

ACR 10

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, June 13, 2003

Madam President: The Committee on Rules has examined:

SB 612

And reports that the same has been correctly enrolled, and presented to the Governor on the 13th day of June, 2003, at 12:45 p.m.

BURTON, Chair

**Committee on Education**

Date of Hearing, June 11, 2003

Madam President: The Committee on Education, to which was referred:

AB 610

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 524**—An act to add Section 361.1 to the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Joint Resolution 31**—Relative to Assyrians in Iraq.

Resolution read second time and ordered to Consent Calendar.

**Assembly Bill 1495**—An act to amend Section 3003 of the Penal Code, relating to parole placement.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 376**—An act to amend Section 5771 of the Welfare and Institutions Code, relating to mental health.

Bill read second time and ordered to third reading.

**Assembly Bill 799**—An act to amend Sections 9542 and 9545 of the Welfare and Institutions Code, relating to aging.

Bill read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 34**—Relative to individuals with developmental disabilities.

Resolution read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 75**—Relative to Indoor Air Quality Tools for Schools Program.

Resolution read second time and ordered to Consent Calendar.

**Assembly Bill 1228**—An act to add Section 65850.3 to the Government Code, relating to zoning.

Bill read second time and ordered to third reading.

**Assembly Bill 936**—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 169**—An act to add Section 22062 to the Financial Code, relating to finance lending.

Bill read second time and ordered to third reading.

**MOTION TO RE-REFER TO COMMITTEE**

Pursuant to Joint Rule 10.5, Senator Alpert moved that **AB 1281** be re-referred to the Committee on Appropriations.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Concurrent Resolution 16**—Relative to nutrition.

Resolution read third time and presented by Senator Ducheny.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alarcón, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, and Vasconcellos.

NOES (9)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution 2**—Relative to the 30th anniversary of Roe v. Wade.

Resolution read third time and presented by Senator Karnette.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, and Torlakson.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution 12**—Relative to the Head Start program.

Resolution read third time and presented by Senator Ortiz.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Assembly Bill 812**—An act to add Section 5027.1 to the Public Resources Code, relating to historic places.

Bill read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution 13**—Relative to medical cannabis.

Resolution read third time and presented by Senator Vasconcellos.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Dunn, Florez, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**Assembly Bill 520**—An act to amend Section 56886 of, and to add Sections 57001.1 and 57202.1 to, the Government Code, relating to local agency reorganization.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller,

Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

### **UNFINISHED BUSINESS**

#### **Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Gloria M. Andrews, Deputy Director, Personnel Administration Department.

Xema M. Jacobson, Member, San Diego County Regional Airport Authority Governing Board.

Brian J. Stiger, Chief, Bureau of Electronic and Appliance Repair.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

#### **Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Steve Peace, Director of Finance.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

#### **Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (6)—Senators Aanestad, Battin, Denham, Hollingsworth, McClintock, and Oller.

**Consideration of Appointments by the Governor**  
**Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Martin S. Lilly, Ed.D., Member, Commission on Teacher Credentialing be taken up separately.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Kristen L. Beckner, Member, Commission on Teacher Credentialing.

Donald Vial, Member, California Consumer Power and Conservation Financing Authority, Board of Directors.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

**Senator Alpert Presiding**

**RECESS**

At 10:38 a.m., the Senate recessed in order to convene in extraordinary session.

**REASSEMBLED**

At 10:38 a.m., the Senate reconvened.

Hon. John L. Burton, of the 3rd District, presiding.

**MOTION TO SUSPEND JOINT RULES**

Senator Chesbro moved to suspend Joint Rule 29.5(b) as it relates to the Senate Conference Committee on SB 53.

**Roll Call**

The roll was called and the motion carried by the following vote:

**AYES (27)**—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

**NOES (4)**—Senators Hollingsworth, McClintock, Morrow, and Oller.

**CONFERENCE COMMITTEE ON THE BUDGET**

Senator Burton indicated that, should the Budget Conference report not be submitted by June 26, he would consider replacing the members of the Senate Conference Committee.

**SPECIAL CONSENT CALENDAR ADDITIONS**

Without objection, the following measures were withdrawn from committee and added to the Special Consent Calendar: SCR 37 and SR 21.

**CONSENT CALENDAR****Objection Raised**

Senator Sher objected to **AB 398** being on the Consent Calendar.

The President ordered the above measure placed on the third reading file.

**Assembly Bill 697**—An act to amend Sections 3526, 3528, 3531, 3532, 3533, 3534, and 3538 of the Government Code, relating to state employees.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Joint Resolution 29**—Relative to Social Security.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Resolution 21**—Relative to Support for Boeing 7E7 Jetliner Project.

Resolution read and adopted.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 37**—Relative to Juneteenth.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 116**—An act to amend Sections 2472, 4980.01, and 4996 of, and to add Sections 1626.2 and 2904.5 to, the Business and Professions Code, relating to the healing arts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 341**—An act to amend Section 7027.5 of the Business and Professions Code, relating to contractors.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 172**—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1488**—An act to amend Section 1270.1 of the Penal Code, relating to domestic violence protective orders.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 308**—An act to amend Section 699.510 of the Code of Civil Procedure, relating to money judgments.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **REQUEST TO BE ADDED TO ROLL CALL**

June 16, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

AJR 16—Aye

AJR 2—Aye

JOHN L BURTON, President pro Tempore

June 16, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

ACR 16—No                      Gov. Appts.—Andrews et al.—Aye  
JAMES L BRULTE, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 11:13 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, June 17, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 16, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 44  
Above measure ordered enrolled.

Assembly Chamber, June 16, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 14  
Above resolution ordered enrolled.

Assembly Chamber, June 16, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 106

Assembly Chamber, June 16, 2003

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: The Assembly on this day suspended Joint Rule 29.5(b) as it pertains to the Conference Committee on SB 53.

Sincerely,

E. DOTSON WILSON  
 Chief Clerk

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 106**—Relative to children's vision.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Labor and Industrial Relations**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

AB 1230

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALARCÓN, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 282

AB 1196

AB 1382

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 282**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 282 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BERMUDEZ

**Permission of Rules Committee**

Senate Chamber, June 16, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 282.

BURTON, Chair

**Assembly Bill 1196**—An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

Bill read second time.

**Assembly Bill 1382**—An act to amend Sections 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

AB 428

AB 816

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 428**—An act to add Section 367.6 to the Public Utilities Code relating to energy resources.

Bill read second time.

**Assembly Bill 816**—An act to amend Section 80110 of the Water Code, relating to electric power.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 354

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 1515

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1457

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, June 13, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 1575

ACR 2

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

AB 323

AB 1505

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 323**—An act to amend Sections 999, 999.2, 999.7, 999.9, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans.

Bill read second time.

**Assembly Bill 1505**—An act to amend Section 23356.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which was referred:

AB 1774

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1774**—An act to amend Sections 261, 772, 1500, 1560, 1808, 1900, 4839, 4843, 4946, 8152, 14250, 14354, 16151, 16701, 31507, and 33903 of, to amend and renumber Sections 4879.12, 4879.13, and 4879.135 of, and to repeal Section 8012 of, the Financial Code, relating to financial institutions.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1117

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1117**—An act to amend Section 61601.7 of the Government Code, relating to community services districts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 690

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 478

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

#### **Committee on Education**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Education, to which was referred:

AB 36

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, June 16, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 1180

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1180**—An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1254**—An act to amend Sections 830.1 and 832 of the Penal Code, relating to peace officers.

Bill read third time.

#### **Amendments Adopted**

Amendments to AB 1254 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 159** was withdrawn from the Committee on Public Employment and Retirement and re-referred to the Committee on Judiciary;

**AB 1036** was withdrawn from the Committee on Housing and Community Development and re-referred to the Committee on Rules; and

**AB 579** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Appropriations.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 620** was withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS****Committee on Energy, Utilities and Communications**

**AB 84**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Battin and McClintock.

NOES (2)—Senators Bowen and Murray.

Failed passage

**AB 84**—Reconsideration granted

AYES (7)—Senators Battin, Bowen, Dunn, McClintock, Murray, Sher, and Vasconcellos.

NOES (0)—None.

**AB 583**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Battin, Bowen, Dunn, McClintock, Murray, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1457**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Battin, Bowen, Dunn, Murray, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 6/10/03

Bowen (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Charles Nathanson of San Diego.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Stephen Boucher from Colorado.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Robert Hussey of Carmichael.

Senators Karnette and Kuehl requested that when the Senate adjourns this day it do so in memory of noted actor Gregory Peck of Los Angeles.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Amil Del Biaggio of Fairfield.

Senators Morrow and Oller requested that when the Senate adjourns this day it do so in memory of William Pellow, Sr., of Rocklin.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Alfred Dellavalle of Madera, Hilda M. Stone of Hanford and Betty May Boos of Sanger.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, June 17, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY–FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Tuesday, June 17, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—39.

Quorum present.

*(NOTE: Senator Oller will be excused this day on legislative business.)*

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 16, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 28

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, June 16, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 108

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 108**—Relative to Lesbian, Gay, Bisexual, and Transgender Pride Month.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Labor and Industrial Relations**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 276

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

##### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 276**—An act to amend Sections 210, 225.5, 226, 605, 752, 1021, 1021.5, and 1197.1 of the Labor Code, relating to employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

##### **Committee on Judiciary**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 118

AB 378

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

##### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 118**—An act to amend Section 1653.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 378**—An act to amend Sections 1520 and 1530 of, and to add Section 1515.5 to, the Code of Civil Procedure, relating to escheats.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

AB 66

AB 1420

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 66**—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1420**—An act to amend Sections 3033, 4181, 12000, 12002.2, and 12155.5 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Constitutional Amendments**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Constitutional Amendments, to which was referred:

SCA 6

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

POOCHIGIAN, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 144

AB 374

AB 896

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 144**—An act to repeal Section 31470.10 of the Government Code, relating to county employees' retirement.

Bill read second time.

**Assembly Bill 374**—An act to add and repeal Section 31580.3 of the Government Code, relating to county employees' retirement systems.

Bill read second time.

**Assembly Bill 896**—An act to add Section 20322.5 to of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 360

AB 673

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measures ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 1498

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Employment and Retirement with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Public Employment and Retirement.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 902

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

- AB 617                      AB 722                      AB 853
- AB 867                      AB 900

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Agriculture and Water Resources**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

- AB 806                      AB 887

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

- AB 1085

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

- SB 1067

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1067**—An act to add Section 25115 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

AB 1284

AB 1340

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1284**—An act to add and repeal Section 80110.2 of the Water Code, relating to energy resources.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1284 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LESLIE

**Permission of Rules Committee**

Senate Chamber, June 17, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1284.

BURTON, Chair

**Assembly Bill 1340**—An act to add Section 25355 to the Public Resources Code, relating to energy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 820

AB 1393

AB 1558

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 820**—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

Bill read second time.

**Assembly Bill 1393**—An act to amend Sections 4646.5 and 4648 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

**Assembly Bill 1558**—An act to add Section 1596.602 to the Health and Safety Code, relating to child care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 1702

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1702**—An act to amend Sections 25281, 25288, 25292, 25293, 25295, 25295.5, 25298, and 25299 of, and to add Section 25280.6 to, the Health and Safety Code, relating to underground storage tanks.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1702 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LAIRD

**Permission of Rules Committee**

Senate Chamber, June 17, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1702.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, June 17, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1211



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Employment and Retirement.

McPHERSON, Chair

Above measure re-referred to the Committee on Public Employment and Retirement.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which was referred: AB 1277

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

McPHERSON, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which were referred: AB 283 AB 836 AB 1102

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 78**—An act to add Section 51221.4 to the Education Code, relating to curriculum.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 202**—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 365**—An act to amend Section 1810.5 of the Vehicle Code, relating to Department of Motor Vehicle records.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Concurrent Resolution 10**—Relative to pupil health.

Resolution read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 769**—An act to add Sections 2586.2, 2586.4, 2586.6, and 2586.8 to the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 610**—An act to amend Section 17592.5 of the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1230**—An act to amend Sections 3574 and 3577 of the Government Code, relating to higher education labor relations.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 354**—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1515**—An act to amend Section 1547 of the Penal Code, relating to rewards, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1457**—An act relating to telecommunications, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Concurrent Resolution 2**—Relative to the William H. Lancaster Memorial Freeway.

Resolution read second time and ordered to third reading.

**Assembly Bill 1575**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

**Assembly Bill 478**—An act to amend Section 22851.3 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 36**—An act to amend Section 52056 of the Education Code, relating to academic achievement.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 620**—An act to amend Section 10233 of, to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, and to amend Section 25102.5 of the Corporations Code, relating to real estate.

Bill read second time and ordered to third reading.

**Assembly Bill 1254**—An act to amend Sections 830.1 and 832 of the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 524** was referred to the Committee on Appropriations.

#### MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AB 1746, AB 1747, AB 1748, AB 1749, AB 1750, AB 1751, AB 1752, AB 1753, AB 1754, AB 1755, AB 1756, AB 1757, AB 1758, AB 1759, AB 1760, AB 1761, AB 1762, AB 1763, AB 1764, AB 1765, AB 1766, AB 1767, AB 1768,** and **AB 1769** were withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS****Committee on Agriculture and Water Resources**

**AB 248**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

**AB 314**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (8)—Senators Aanestad, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

**AB 806**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

**AB 887**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

**AB 1085**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Aanestad, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

Date of Hearing: 6/17/03

Machado (Chair)

**Committee on Governmental Organization**

**AB 360**—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 617**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 673**—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 722**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 853**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 867**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 900**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 902**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

**AB 1498**—Do pass and re-refer to Committee on Public Employment and Retirement, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 6/17/03

Vincent (Chair)

#### **Committee on Public Safety**

**AB 25**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

**AB 49**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Burton, Margett, McPherson, and Sher.

NOES (0)—None.

**AB 134**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 141—Do pass**

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Vasconcellos.

Failed passage

**AB 141—Reconsideration granted**

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 155—Do pass**

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Vasconcellos.

Failed passage

**AB 155—Reconsideration granted**

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 245—Do pass as amended and re-refer to Committee on Appropriations.**

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (1)—Senator Vasconcellos.

**AB 283—Do pass and re-refer to Committee on Appropriations.**

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 359—Do pass and re-refer to Committee on Public Employment and Retirement**

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 383—Do pass**

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 506—Do pass as amended and re-refer to Committee on Appropriations.**

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 836—Do pass and re-refer to Committee on Appropriations.**

AYES (4)—Senators Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

**AB 924—Do pass as amended**

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1055**—Do pass

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.  
NOES (0)—None.

**AB 1102**—Do pass and re-refer to Committee on Appropriations.

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.  
NOES (0)—None.

**AB 1105**—Do pass as amended

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.  
NOES (0)—None.

**AB 1249**—Do pass

AYES (1)—Senator McPherson.  
NOES (0)—None.  
Failed passage

**AB 1249**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.  
NOES (0)—None.

**AB 1263**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.  
NOES (0)—None.

**AB 1277**—Do pass and re-refer to Committee on Rules

AYES (4)—Senators Margett, McPherson, Romero, and Sher.  
NOES (0)—None.

**AB 1442**—Do pass and re-refer to Committee on Appropriations.

AYES (2)—Senators Margett and McPherson.  
NOES (1)—Senator Romero.  
Failed passage

**AB 1442**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.  
NOES (0)—None.

**AB 1493**—Do pass and re-refer to Committee on Appropriations.

AYES (2)—Senators Margett and McPherson.  
NOES (1)—Senator Romero.  
Failed passage

**AB 1493**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.  
NOES (0)—None.

**AB 1499**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Vasconcellos.

Failed passage

**AB 1499**—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 6/17/03

McPherson (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Oller.

#### **REQUEST TO ADJOURN IN MEMORIAM**

Senator Morrow requested that when the Senate adjourns this day it do so in memory of Police Officer Tony Zeppetella of Oceanside.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, June 18, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, June 18, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

*(NOTE: Senator Brulte will be excused this day due to illness.)*

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
June 18, 2003

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

John R. Giorgi                      Member, California Regional Water Quality  
Control Board North Coastal Region

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 800                      AB 964                      AB 1516

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ES CUTIA, Chair

Above measures ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 503                      AB 302                      AB 1247                      AB 1367

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 503**—An act to add Section 21167.9 to the Public Resources Code, relating to environmental quality.

Bill read second time.

**Assembly Bill 302**—An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

Bill read second time.

**Assembly Bill 1247**—An act to amend, repeal, and add Section 25247 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

**Assembly Bill 1367**—An act to add Section 25150.9 to the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 1469

Reports the same back with the recommendation: Do pass as amended.  
ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 10, 2003

Mr. President: The Committee on Judiciary, to which were referred:  
AB 1096      AB 1610      AB 1639      AJR 9

Reports the same back with the recommendation: Do pass.  
ESCUTIA, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 111

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

ESCUTIA, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 196

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Health and Human Services**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 1201      AB 1676

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1201**—An act to add Sections 14132.27 and 14132.28 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Assembly Bill 1676**—An act to amend Sections 125085, 125090, and 125107 of, and to add Section 125092 to, the Health and Safety Code, relating to AIDS.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

AB 294          AB 608          AB 774          AB 781

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 294**—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read second time.

**Assembly Bill 608**—An act to amend Section 11591 of the Health and Safety Code, and to amend Section 291 of the Penal Code, relating to crimes.

Bill read second time.

**Assembly Bill 774**—An act to amend Section 46144 of the Education Code, relating to vocational education.

Bill read second time.

**Assembly Bill 781**—An act to add Article 3.5 (commencing with Section 51430) to Chapter 3 of Part 28 of the Education Code, relating to public schools.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 572 AB 852

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 572**—An act to amend Sections 98.7, 6310, and 6312 of, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

Bill read second time.

**Assembly Bill 852**—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 583

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 1081 AB 1153

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1081**—An act to amend Section 1043 of the Evidence Code, and to amend Section 832.5 of the Penal Code, relating to peace officers.

Bill read second time.

**Assembly Bill 1153**—An act to amend Section 538e of, and to add Section 538g to, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Public Employment and Retirement**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 1585

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1585**—An act to amend Sections 31452, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1744

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1744**—An act to amend Section 15606 of the Government Code, and to amend Sections 271, 441, and 442 of the Revenue and Taxation Code, relating to property tax.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

AB 909 AB 1214

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 909**—An act to add Section 2898 to the Public Utilities Code, relating to telecommunications.

Bill read second time.

**Assembly Bill 1214**—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 1538

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1538**—An act to add Section 7029.6 to the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 31

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 31**—Relative to California Missions Day.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 171

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

TORLAKSON, Chair

Above measure re-referred to the Committee on Judiciary.

**Committee on Public Safety**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 506

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 241      AB 706      AB 1172      AB 1347

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 35

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 518

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Housing and Community Development with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measure re-referred to the Committee on Housing and Community Development.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 1051

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Education.

TORLAKSON, Chair

Above measure re-referred to the Committee on Education.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 1410

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Governmental Organization**

Senate Chamber, June 18, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SCA 10

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 10**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gaming.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Constitutional Amendment 6**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article II thereof, by amending Section 8 of Article III thereof, by amending Section 18 of Article IV thereof, and by amending Section 1 of Article XII thereof, relating to public utilities.

Resolution read second time.

The amendments proposed by the Committee on Constitutional Amendments were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 360**—An act to amend Section 330b of the Penal Code, relating to gaming.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 673**—An act to amend Section 19540 of, and to add Sections 19411.1, 19411.2, and 19412.1 to, the Business and Professions Code, relating to horse racing.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1746**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1747**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1748**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1749**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1750**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1751**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1752**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1753**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1754**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1755**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1756**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1757**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1758**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1759**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1760**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1761**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1762**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1763**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1764**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1765**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1766**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1767**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1768**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 1769**—An act relating to the Budget Act of 2003.  
Bill read second time and ordered to third reading.

**Assembly Bill 383**—An act to amend Section 977 of the Penal Code,  
relating to criminal procedure.  
Bill read second time and ordered to third reading.

**Assembly Bill 1055**—An act to amend Section 29404 of the Government Code, relating to the district attorney.

Bill read second time and ordered to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 504**—An act to amend Section 5560 of the Public Resources Code, relating to parks and recreation.

Bill read third time.

#### Amendments Adopted

Amendments to AB 504 proposed by Senator Sher were read and adopted and the measure ordered printed and to second reading.

#### SENATE COMMITTEE ROLL CALLS

##### Committee on Housing and Community Development

**AB 32**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 304**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**AB 305**—Do pass as amended and re-refer to Committee on Local Government

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**AB 1034**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (1)—Senator Hollingsworth.

**AB 1216**—Do pass as amended and re-refer to Committee on Natural Resources and Wildlife

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

Date of Hearing: 6/16/03

Ducheny (Chair)

##### Committee on Judiciary

**AB 111**—Do pass and re-refer to Committee on Public Safety

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

**AB 196**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**AB 542**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 703**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**AB 800**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 964**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 1096**—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 1294**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 1516**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AB 1610**—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1639**—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1710**—Do pass as amended

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

**AJR 9**—Be adopted

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

Date of Hearing: 6/17/03

Escutia (Chair)

**Committee on Local Government**

**AB 35**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 51**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 171**—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Ackerman, Machado, Margett, Perata, Soto, and Torlakson.

NOES (1)—Senator Hollingsworth.

**AB 241**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 518**—Do pass and re-refer to Committee on Housing and Community Development, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 706**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1051**—Do pass and re-refer to Committee on Education

AYES (5)—Senators Hollingsworth, Machado, Perata, Soto, and Torlakson.

NOES (2)—Senators Ackerman and Margett.

**AB 1090**—Do pass as amended

AYES (6)—Senators Ackerman, Hollingsworth, Machado, Margett, Soto, and Torlakson.

NOES (0)—None.

**AB 1172**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1347**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1410**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 1634**—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Ackerman, Hollingsworth, Machado, Margett, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 6/18/03

Torlakson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to illness: Senator Brulte.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, June 19, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 19, 2003

The Senate met at 8:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senators Figueroa, Florez, and Murray will be excused this day on legislative business.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Almighty God*, Whose loving hand has given us all that we possess, Grant us grace that we may honor You with our substance, and, remembering the account which we must one day give, may we be faithful stewards of Your bounty.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ackerman led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:

AB 762

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 117

AB 935

AB 1104

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bills ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which were referred:

ACR 35

ACR 54

ACR 73

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:

SCR 24

Reports the same back with the recommendation: Be adopted as amended and be placed on the Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AJR 10

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:  
ACR 29

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 800**—An act to amend Section 1785.25 of the Civil Code, relating to consumer credit.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 964**—An act to amend Sections 2982, 2982.5, and 2985.8 of the Civil Code, relating to vehicle contracts.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1516**—An act to amend Section 3048 of the Family Code, relating to child custody, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1469**—An act to amend Sections 364, 366, and 366.21 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1610**—An act to amend Section 1785.20.3 of the Civil Code, relating to consumer credit.

Bill read second time and ordered to third reading.

**Assembly Bill 1639**—An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

Bill read second time and ordered to third reading.

**Assembly Bill 1096**—An act to amend Section 3074 of the Civil Code, and to amend Section 22851.12 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 583**—An act to amend Section 377 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 506**—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 241**—An act to amend Section 27388 of the Government Code, relating to law enforcement.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 706**—An act to add Section 61600.3 to the Government Code, relating to community services districts.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1172**—An act to add Section 6529 to the Government Code, relating to joint powers agreements.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1347**—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 504**—An act to amend Section 5560 of the Public Resources Code, relating to parks and recreation.

Bill read second time and ordered to third reading.

#### CONSENT CALENDAR

**Assembly Joint Resolution 6**—Relative to Korean immigrants.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 167**—An act to amend Sections 1004, 2356.5, 3121, 3144, 6240, 6327, 8852, 9761, 9884, 10151, 10534, 11952, 13601, 19054,

21401, and 21623 of, and to amend and renumber Section 26112 of, the Probate Code, relating to probate.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 326**—An act to amend Section 30801 of the Food and Agricultural Code, relating to animals.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 353**—An act to amend Section 361.5 of the Welfare and Institutions Code, relating to child welfare services.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 399**—An act to amend Section 51221.3 of the Education Code, relating to school curriculum.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1411**—An act to amend Sections 32050 and 48900 of the Education Code, relating to school safety, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Joint Resolution 31**—Relative to Assyrians in Iraq.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 799**—An act to amend Sections 9542 and 9545 of the Welfare and Institutions Code, relating to aging.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 34**—Relative to individuals with developmental disabilities.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 75**—Relative to Indoor Air Quality Tools for Schools Program.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (37)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

#### **MOTION TO TAKE MEASURE FROM THE INACTIVE FILE**

Senator Sher moved that **SB 1002** be taken from the inactive file and placed on the second reading file.

Motion carried.

#### **MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator McPherson moved that **AB 956** be placed on the inactive file.

Motion carried.

#### **UNFINISHED BUSINESS**

##### **Consideration of Appointments by the Governor Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

A. John Shimmon, Member, Workers' Compensation Appeals Board be taken up separately.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Figueroa, Florez, and Murray.

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 10:10 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

#### **MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, June 23, 2003.

Motion carried.



**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, June 19, 2003

The Committee on Rules has referred the following measures to committee:

**Agriculture and Water Resources**—AB 514, AB 1522; ACR 69.

**Appropriations**—AB 1149.

**Business and Professions**—AB 521, AB 539.

**Education**—AB 115, AB 164, AB 264, AB 491, AB 547, AB 598, AB 715, AB 736, AB 921, AB 990, AB 1017, AB 1097, AB 1137, AB 1244, AB 1266, AB 1309, AB 1330, AB 1417, AB 1465, AB 1554; ACR 85; AJR 3.

**Elections and Reapportionment**—AB 487, AB 1472.

**Energy, Utilities and Communications**—AB 1389.

**Environmental Quality**—AB 471, AB 844, AB 906, AB 998, AB 1360, AB 1497.

**Governmental Organization**—AB 658.

**Health and Human Services**—AB 23, AB 253, AB 429, AB 436, AB 879, AB 946, AB 999, AB 1154, AB 1220, AB 1241, AB 1299, AB 1453, AB 1470, AB 1569, AB 1629, AB 1693.

**Housing and Community Development**—AB 1086, AB 1217, AB 1358, AB 1462, AB 1633.

**Insurance**—AB 621, AB 1049, AB 1191, AB 1252, AB 1431, AB 1728.

**Judiciary**—AB 95, AB 473, AB 739, AB 782, AB 1095, AB 1151, AB 1616; SCR 34.

**Labor and Industrial Relations**—AB 227, AB 1507, AB 1551.

**Local Government**—AB 1182.

**Natural Resources and Wildlife**—AB 47, AB 496, AB 561, AB 859, AB 974, AB 1771.

**Public Employment and Retirement**—AB 265, AB 369, AB 457, AB 886, AB 1253, AB 1321, AB 1583.

**Public Safety**—AB 898, AB 928, AB 1077, AB 1119, AB 1219, AB 1313, AB 1315, AB 1331, AB 1383.

**Revenue and Taxation**—AB 263, AB 694, AB 1412, AB 1690.

**Rules**—AB 460, AB 655, AB 1268, AB 1527, AB 1528, AB 1588, AB 1589.

**Transportation**—SCR 35; AB 929, AB 1479, AB 1745; ACR 58.

**Veterans Affairs**—AB 1736.

The Committee on Rules has referred the following measures to two or more committees:

**Agriculture and Water Resources** and **Rules**—AB 107.

**Education** and **Health and Human Services**—AB 490.

**Education** and **Judiciary**—AB 46.

**Environmental Quality** and **Rules**—AB 897.

**Governmental Organization** and **Energy, Utilities and Communications**—AB 855.

**Governmental Organization** and **Judiciary**—AB 17.

**Governmental Organization** and **Rules**—AB 1032, AB 1557.

**Health and Human Services** and **Business and Professions**—AB 938.

**Health and Human Services** and **Environmental Quality**—AB 83.

**Health and Human Services** and **Insurance**—AB 1628.

**Health and Human Services** and **Judiciary**—AB 24.

**Health and Human Services**, and **Judiciary**, and **Revenue and Taxation**—AB 71.

**Health and Human Services** and **Public Employment and Retirement**—AB 632.

**Housing and Community Development**, and **Environmental Quality**, and **Rules**—AB 1426.

**Insurance** and **Business and Professions**—AB 984.

**Insurance** and **Revenue and Taxation**—AB 1297.

**Judiciary** and **Revenue and Taxation**—AB 205.

**Judiciary** and **Transportation**—AB 21.

**Labor and Industrial Relations** and **Judiciary**—AB 968, AB 1324.

**Natural Resources and Wildlife** and **Environmental Quality**—AB 433, AB 1770.

**Transportation** and **Education**—AB 626.

**Transportation** and **Judiciary**—AB 559.

**Veterans Affairs** and **Judiciary**—AB 1179.

The Committee on Rules has ordered the following bills be re-referred to committee:

**Education**—AB 235, AB 954.

**Judiciary**—AB 669, AB 1277.

**Local Government**—AB 1208.

**Public Safety and Judiciary**—AB 371.

**Transportation**—AB 792.

**Veterans Affairs**—AB 1036.

#### **Committee on Appropriations**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 215

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 215**—An act to amend Sections 2100, 2102, and 2104 of, to amend the heading of Chapter 3 (commencing with Section 2100) of Division 2.5 of, and to add Section 2101 to, the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Governmental Organization**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

AB 569

AB 808

AB 1657

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 569**—An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of,

to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits.

Bill read second time.

**Assembly Bill 808**—An act to enact the Energy Code, and to amend Sections 11550 and 12800 of the Government Code, relating to energy.

Bill read second time.

**Assembly Bill 1657**—An act to add Section 25602.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Insurance**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 284

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 284**—An act to amend Sections 10168.1 and 10168.2 of, and to add Sections 10168.25 and 10168.92 to, the Insurance Code, relating to annuities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Insurance, to which were referred:

AB 362

AB 1274

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SPEIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Insurance, to which was referred:

AB 1600

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Health and Human Services**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 948

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business and Professions.

ORTIZ, Chair

Above measure re-referred to the Committee on Business and Professions.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 1124

Reports the same back with the recommendation: Do pass.

ORTIZ, Chair

Above bill ordered to second reading.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 786

AB 798

AB 1413

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 390

AB 1532

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Environmental Quality.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 941

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 231

AB 358

AB 458

AB 464

AB 528

AB 1402

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 348

AB 408

AB 1130

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

ORTIZ, Chair

Above measures re-referred to the Committee on Judiciary.

**Committee on Public Safety**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which was referred: AB 1105

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

AB 1348

AB 1541

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1348**—An act to amend Sections 25200.19 and 25250.7 of, and to add Section 25160.6 to, the Health and Safety Code, relating to hazardous waste.

Bill read second time.

**Assembly Bill 1541**—An act to amend Section 13385 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

AB 587

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 587**—An act to amend Section 2150 of the Elections Code, relating to voters.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 76

AB 309

AB 1641

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 76**—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read second time.

**Assembly Bill 309**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time.

**Assembly Bill 1641**—An act to amend Section 68115 of the Government Code, relating to courts.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1641 pursuant to Joint Rule 58.

ASSEMBLY MEMBER KEENE

**Permission of Rules Committee**

Senate Chamber, June 19, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1641.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred: AB 1717

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 1409

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1409**—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 593

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 593**—An act to amend Sections 401.15, 755, 756, and 1153 of, to amend, repeal, and add Sections 1152 and 1155 of, and to add Sections 100.51, 721.51, 721.52, and 828.1 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

AB 314

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 23            AB 71            AB 1045            AB 1628

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 23**—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

Bill read second time.

**Assembly Bill 71**—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, 30435, 30474.1, and 30482 to, to add Article 2.5 (commencing with Section 30210) to Chapter 4 of Part 13 of Division 2 of, and to add Article 5 (commencing with Section 30355) to Chapter 5 of Part 13 of Division 2 of,

the Revenue and Taxation Code, relating to cigarettes and tobacco products, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1045**—An act to amend Section 114260, relating to mobile food facilities.

Bill read second time.

**Assembly Bill 1628**—An act to amend Sections 1262.5 and 1371.4 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 1537

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1537**—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 170

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 170**—An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1688

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1688**—An act to add Part 8.5 (commencing with Section 2050) to Division 2 of the Labor Code, relating to car washes.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Date of Hearing, June 16, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1216

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Natural Resources and Wildlife.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, June 19, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 523

AB 1392

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 523**—An act to amend Sections 7507.9 and 7507.10 of the Business and Professions Code, relating to collateral recovery.

Bill read second time.

**Assembly Bill 1392**—An act to amend Section 2220.05 of the Business and Professions Code, relating to medical services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1207**—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1207 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 376**—An act to amend Section 5771 of the Welfare and Institutions Code, relating to mental health.

Bill read third time.

**Amendments Adopted**

Amendments to AB 376 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on June 24:

SCR 28	AB 769	AB 620	AB 1610
AB 1495	AB 354	AB 1254	AB 1639
AB 1228	ACR 2	AB 383	AB 1096
AB 169	AB 1575	AB 1055	

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1130** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 359** was withdrawn from committee and placed on file.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Health and Human Services**

**AB 231**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 271**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 348**—Do pass and re-refer to Committee on Judiciary

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 358**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Battin.

**AB 390**—Do pass and re-refer to Committee on Environmental Quality, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 408**—Do pass and re-refer to Committee on Judiciary

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 458**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 464**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Ashburn.

**AB 528**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 786**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 798**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 941**—Do pass and re-refer to Committee on Public Safety, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 948**—Do pass and re-refer to Committee on Business and Professions

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1124**—Do pass

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (1)—Senator Battin.

**AB 1130**—Do pass and re-refer to Committee on Judiciary

AYES (8)—Senators Aanestad, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1369**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, and Romero.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 1370**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1402**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 1413**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AB 1532**—Do pass and re-refer to Committee on Environmental Quality, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

**AJR 32**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 6/18/03

Ortiz (Chair)

**Committee on Insurance**

**AB 81**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Escutia, Perata, Scott, and Speier.

NOES (2)—Senators Johnson and Oller.

Failed passage

**AB 81**—Reconsideration granted

AYES (6)—Senators Escutia, Johnson, Oller, Perata, Scott, and Speier.

NOES (0)—None.

**AB 362**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Escutia, Johnson, Oller, Perata, Scott, and Speier.

NOES (0)—None.

**AB 943**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Johnson and Oller.

NOES (0)—None.

Failed passage

**AB 943**—Reconsideration granted

AYES (6)—Senators Johnson, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1274**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Escutia, Johnson, Oller, Perata, Scott, and Speier.

NOES (0)—None.

**AB 1496**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Johnson, and Perata.

NOES (1)—Senator Oller.

Failed passage

**AB 1496**—Reconsideration granted

AYES (7)—Senators Escutia, Johnson, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1600**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Johnson, Perata, Scott, Soto, and Speier.

NOES (1)—Senator Oller.

Date of Hearing: 6/18/03

Speier (Chair)

**Committee on Transportation****SCR 24**—Do pass as amended, to Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**AB 13**—Do pass as amended and re-refer to Committee on Environmental Quality, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**AB 117**—Do pass

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, McClintock, and Morrow.

**AB 427**—Do pass as amended

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, McClintock, and Morrow.

**AB 467**—Do pass as amended

AYES (9)—Senators Ashburn, Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (2)—Senators McClintock and Morrow.

**AB 625**—Do pass

AYES (6)—Senators Ashburn, Karnette, McClintock, Morrow, Scott, and Soto.

NOES (3)—Senators Florez, Murray, and Torlakson.

Failed passage

**AB 625**—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Failed passage

**AB 762**—Do pass and re-refer to Committee on Appropriations.

AYES (8)—Senators Ashburn, Figueroa, Florez, Murray, Perata, Scott, Soto, and Torlakson.

NOES (1)—Senator McClintock.

**AB 813**—Do pass as amended

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, McClintock, and Morrow.

**AB 935**—Do pass

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, McClintock, and Morrow.

**AB 1009**—Do pass as amended and re-refer to Committee on Public Safety

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, McClintock, and Morrow.

**AB 1104**—Do pass

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (2)—Senators Ashburn and McClintock.

**AB 1675**—Do pass as amended and re-refer to Committee on Rules

AYES (9)—Senators Figueroa, Florez, Karnette, Morrow, Murray, Perata, Scott, Soto, and Torlakson.

NOES (2)—Senators Ashburn and McClintock.

**AB 1717**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**ACR 29**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**ACR 35**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**ACR 54**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**ACR 73**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

**AJR 10**—Do pass, to Consent Calendar

AYES (10)—Senators Ashburn, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 6/17/03

Murray (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Bowen and Ortiz requested that when the Senate adjourns this day it do so in memory of Laurence L. Belanger of Sacramento.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Elliot H. "Steve" Stevenson of Sacramento and Thomas Larsen of Sacramento.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Helen Mondavi-Ventura of Napa.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Col. Robert G. Lavell of Palmdale.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Sam Schulman of Los Angeles.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Dr. Edward Rudin of Sacramento.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Malonga Casquelourd of Oakland.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Lewis Clay Horne, III of Pasadena.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Dan DeMiglio of Pittsburg.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, June 23, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 23, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton,  
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,  
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,  
McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian,  
Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent—36.

Quorum present.

*(NOTE: Senators Battin and Morrow will be excused this day on legislative business, Senator Torlakson will be excused this day on personal business, and Senator Brulte will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, June 19, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 37

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

Assembly Chamber, June 19, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 34

Assembly Chamber, June 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 110

Above measure ordered enrolled.

Assembly Chamber, June 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 818

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, June 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SJR 8

Above measure ordered enrolled.

Assembly Chamber, June 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 35

Assembly Chamber, June 23, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 172

AB 326

AB 690

E. DOTSON WILSON, Chief Clerk of the Assembly

#### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

**Assembly Joint Resolution 34**—Relative to hate crimes.

**Assembly Joint Resolution 35**—Relative to training for court reporters and realtime writers.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, June 19, 2003

Mr. President: The Committee on Rules has examined:

SCR 14

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 19th day of June, 2003, at 2:45 p.m.

BURTON, Chair

Senate Chamber, June 19, 2003

Mr. President: The Committee on Rules has examined:

SB 44

And reports that the same has been correctly enrolled, and presented to the Governor on the 19th day of June, 2003, at 11 a.m.

BURTON, Chair

**Committee on Constitutional Amendments**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Constitutional Amendments, to which was referred:

SCA 11

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

POOCHIGIAN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to infrastructure projects.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

AB 343          AB 984          ACR 74

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 343**—An act to amend Sections 12693.32, 12693.325, 12693.326, and 12693.85 of, and to repeal Sections 12693.86, 12693.87, 12693.88, and 12693.89 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 984**—An act to amend Sections 9855, 9855.2, and 9855.5 of the Business and Professions Code, and to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read second time.

**Assembly Concurrent Resolution 74**—Relative to the International Commission of Holocaust Era Insurance Claims.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 529            AB 366            AB 938

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 529**—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

Bill read second time.

**Assembly Bill 366**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 938**—An act to add Sections 2987.2, 4549, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 1006

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1006**—An act to add Section 17615 to the Education Code, relating to pesticide.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1145

AB 1486

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1145**—An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1486**—An act relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

AB 773

AB 872

AB 1745

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 773**—An act to amend Sections 130054.1 and 130054.8 of the Public Utilities Code, relating to transportation.

Bill read second time.

**Assembly Bill 872**—An act to add Section 22358.2 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 1745**—An act to amend Sections 10221, 10222, and 10224 of, and to add Section 10224.5 to, the Public Contract Code, relating to public contracts.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1745 pursuant to Joint Rule 58.

ASSEMBLY MEMBER DUTRA

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1745.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 265

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 265**—An act to amend and repeal Section 22954 of, to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 265 pursuant to Joint Rule 58.

ASSEMBLY MEMBER MULLIN

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 265.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 1287      AB 1386      AB 1712

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1287**—An act to amend Section 798.71 of, and add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

Bill read second time.

**Assembly Bill 1386**—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

Bill read second time.

**Assembly Bill 1712**—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AB 1009

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AB 813

Reports the same back with the recommendation: Do pass as amended.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AB 1675

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

MURRAY, Chair

Above measure ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which were referred:  
AB 49 AB 134

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MCPHERSON, Chair

Above measures ordered to second reading.

#### **Committee on Housing and Community Development**

Date of Hearing, June 16, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 305

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Local Government.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, June 16, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 32

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

- AB 164            AB 356            AB 648
- AB 1326        AB 1512

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 164**—An act to add and repeal Article 17 (commencing with Section 35420) of Chapter 2 of Part 22 of the Education Code, relating to the Inglewood Unified School District.

Bill read second time.

**Assembly Bill 356**—An act to amend Sections 52050.5, 52052, 52052.2, 52055.655, 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, 60643.1, 60851, and 60856 of, to repeal Sections 52057 and 60859 of, and to repeal Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of, the Education Code, relating to education testing.

Bill read second time.

**Assembly Bill 648**—An act to add and repeal Article 7 (commencing with 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

Bill read second time.

**Assembly Bill 1326**—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read second time.

**Assembly Bill 1512**—An act to repeal Chapter 5 (commencing with Section 8810) of Part 6 of the Education Code, and to add an article heading to Chapter 9 of Division 1 of Title 2 immediately preceding Section 8750 of, to add Article 3 (commencing with Section 8758.10), Article 4 (commencing with Section 8758.50), and Article 5 (commencing with Section 8758.70) to, and to add and repeal Article 2 (commencing with

Section 8757.10) of, Chapter 9 of Division 1 of Title 2 of, the Government Code, relating to arts education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 1090

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:

AB 427

Reports the same back with the recommendation: Do pass as amended.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Transportation, to which was referred:

AB 13

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 245

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 389

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 389**—An act to add Section 19141.7 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 20, 2003

Mr. President: The Committee on Rules has examined:

SB 45	SB 113	SB 169	SB 450
SB 738	SB 903	SB 955	

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of June, 2003, at 2:30 p.m.

BURTON, Chair

**Committee on Labor and Industrial Relations**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 968

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 968**—An act to add Section 3600.7 to the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Public Safety, to which was referred:  
AB 924



**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1268**—An act relating to land use.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Veterans Affairs**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Veterans Affairs, to which was referred:

AB 214

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MORROW, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 214**—An act to add Section 1051 to the Military and Veterans Code, and to add and repeal Article 11.5 (commencing with Section 18826) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, June 17, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1294

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 271

AJR 32

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing, June 16, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 304

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

AB 512

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 512**—An act to amend Sections 1363 and 1368 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) and Article 2 (commencing with 1378.010) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Local Government**

Date of Hearing, June 18, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 51

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measure ordered to second reading.

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 332

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 332**—An act to amend Sections 21670, 21676, 21676.5, 21677, and 21678 of the Public Utilities Code, relating to airports.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, June 11, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 1716

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, June 23, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 158

AB 402

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 158**—An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

**Assembly Bill 402**—An act to amend Sections 290 and 311.11 of the Penal Code, relating to child pornography.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Concurrent Resolution 24**—Relative to highway designations.  
Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, engrossed, and to consent calendar.

**Senate Bill 1002**—An act to amend Sections 25281 and 25297.1 of the Health and Safety Code, relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 117**—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

**Assembly Bill 935**—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

**Assembly Bill 1104**—An act to amend Sections 722, 723, 727, 1483, 1484, 1485, 1487, and 1488 of, and to add Section 1488.5 to, the Streets and Highways Code, relating to highways.

Bill read second time and ordered to third reading.

**Assembly Joint Resolution 10**—Relative to the Imperial County Airport.

Resolution read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 29**—Relative to Daniel J. Muehlhausen Memorial Highway.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1124**—An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

**Assembly Bill 1105**—An act to amend Section 803 of the Penal Code, relating to identity theft.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and to third reading.

**Assembly Bill 1717**—An act to amend Sections 8879.1, 14070.4, 14076.4, 14524.2, and 65082 of, and to repeal Sections 8879.17, 14051, 14524.15, and 14525.5 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102015 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 302, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 314**—An act to add Section 111 to the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Assembly Bill 1216**—An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Natural Resources and Wildlife.

**Assembly Bill 359**—An act to amend Section 70 of the Penal Code, relating to public safety officers.

Bill read second time and ordered to third reading.

**Assembly Bill 1207**—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 376**—An act to amend Section 5771 of, and to add and repeal Section 5772.5 of, the Welfare and Institutions Code, relating to mental health.

Bill read second time and ordered to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1769**—An act relating to the Budget Act of 2003.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1769 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1769.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1769 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1763**—An act relating to the Budget Act of 2003.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1763 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1763.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1763 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1760**—An act relating to the Budget Act of 2003.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1760 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1760.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1760 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1762**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1762 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1762.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1762 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1766**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1766 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1766.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1766 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1754**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1754 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1754.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1754 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1752**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1752 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1752.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1752 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1751**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1751 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1751.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1751 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1750**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1750 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1750.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1750 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1767**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1767 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1767.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1767 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1758**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1758 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1758.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1758 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1753**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Amendments Adopted**

Amendments to AB 1753 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1748**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Amendments Adopted**

Amendments to AB 1748 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1755**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1755 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 23, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1755.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1755 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 503** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules;

**AB 151** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committees on Environmental Quality and Energy, Utilities and Communications;

**AB 1628** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Insurance;

**AB 71** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Judiciary; and

**AB 17** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Judiciary.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 38:** By Senator Ashburn—Relative to Valley Fever Awareness Month.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Housing and Community Development**

**AB 32**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 304**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**AB 305**—Do pass as amended and re-refer to Committee on Local Government

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

**AB 1034**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (1)—Senator Hollingsworth.

**AB 1216**—Do pass as amended and re-refer to Committee on Natural Resources and Wildlife

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

Date of Hearing: 6/16/03

Ducheny (Chair)

#### **Committee on Environmental Quality**

**AB 302**—Do pass as amended

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1020**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

**AB 1068**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1247**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1248**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1405**—Do pass as amended and re-refer to Committee on Natural Resources and Wildlife

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1545**—Do pass as amended

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1701**—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 1702**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 6/23/03

Sher (Chair)

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin and Morrow.

The following Senator was granted leave of absence for the day due to personal business: Senator Torlakson.

The following Senator was granted leave of absence for the day due to illness: Senator Brulte.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9:30 a.m., Tuesday, June 24, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, June 24, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Morrow will be excused this day on legislative business and Senator Speier will be excused this day due to a family illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*Lord God*, This we know, all things are connected. This we know, we did not weave the web of life, we are merely a strand in it. This we know, what ever we do to the web we do to ourselves. . . . Bless the work of our hands as we struggle to craft a workable budget for the state, that what we do may naught but strengthen the web not weaken it.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Environmental Quality**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

AB 1068

AB 1247

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 1701

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary with the recommendation: To Consent Calendar.

SHER, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 1702

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SHER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 1020

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

SHER, Chair

Above measure re-referred to the Committee on Judiciary.

**Committee on Transportation**

Senate Chamber, June 24, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

AB 1238

AB 1546

AB 1697

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1238**—An act to amend Sections 34501.12 and 34621 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 1546**—An act to add Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 of the Government Code, and to add Section 9250.5 to the Vehicle Code, relating to local government.

Bill read second time.

**Assembly Bill 1697**—An act to amend Section 27360 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 10, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 976

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, June 24, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 421

AB 1299

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 421**—An act to add Section 109297 to the Health and Safety Code, relating to cancer, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1299**—An act to amend Sections 1745, 1746, and 1749 of the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 24, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

ACR 17

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Concurrent Resolution 17**—Relative to highways.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, June 24, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

AB 255

AB 1197

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 255**—An act to amend Section 25004.5 of the Government Code, relating to elections.

Bill read second time.

**Assembly Bill 1197**—An act to amend Section 82019 of the Government Code, relating to conflicts of interest.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 187

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1009**—An act to add and repeal Section 97.3 of the Streets and Highways Code, and to amend Sections 627 and 22350 of, and to add and repeal Section 42010.3 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

**Assembly Bill 813**—An act to amend Sections 99246 and 99314.6 of, and to add and repeal Section 99268.17 of, the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and to third reading.

**Assembly Bill 1675**—An act to amend Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Assembly Bill 49**—An act to amend Sections 13848.2 and 13848.6 of the Penal Code, relating to crime.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 134**—An act to amend Section 273.5 of the Penal Code, relating to crime.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 305**—An act to amend Section 65915 of the Government Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Local Government.

**Assembly Bill 32**—An act to add and repeal Section 50517.15 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1090**—An act to amend, repeal, and add Section 40420 of the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 427**—An act to amend Sections 180201 and 180204 of the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 13**—An act to add and repeal Section 118.7 of the Streets and Highways Code, relating to the Department of Transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Assembly Bill 245**—An act to add Section 243.83 to the Penal Code, relating to crimes.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 924**—An act to amend Section 602.8 of the Penal Code, relating to crimes.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1294**—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 271**—An act to add Chapter 13 (commencing with Section 4850) to Division 4.5 of the Welfare and Institutions Code, relating to services for the developmentally disabled.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Joint Resolution 32**—Relative to medicaid.

Resolution read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 304**—An act to add Section 53534 to the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 51**—An act to add Section 65302.4 to the Government Code, relating to land use planning.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1716**—An act to amend Section 17605 of the Welfare and Institutions Code, relating to human services.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SCR 24** was referred to the Committee on Appropriations.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 1769**—An act making appropriations for the support of the government of the state of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency therefore, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Chesbro moved the adoption of amendments to AB 1769.  
Amendments read and adopted.

#### Consideration of Assembly Bill 1769 as Amended

Bill presented by Senator Chesbro.

#### Urgency Clause

Urgency clause read and refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

#### Motion to Reconsider (AB 1769)

Senator Chesbro moved to reconsider the vote whereby the urgency clause to AB 1769 was refused adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**Senator Romero Presiding**

**Assembly Bill 1766**—An act to add Title 17 (commencing with Section 99000) to the Government Code, and to add and repeal Sections 6051.5 and 6201.5 of the Revenue and Taxation Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

**Motion to Reconsider (AB 1766)**

Senator Alpert moved to reconsider the vote whereby the urgency clause to AB 1766 was refused adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**UNFINISHED BUSINESS****Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator Hollingsworth demanded that the question be divided and that the confirmation of the appointment of:

Mark A Bosetti, Member, State Board of Forestry and Fire Protection be taken up separately.

**CONSENT CALENDAR****Motions to Refer Bills to Inactive File**

Senator Johnson moved that **AB 360** be placed on the inactive file.

Senator Vincent moved that **AB 673** be placed on the inactive file.

Motions carried.

**Objections Raised**

Senator Johnson objected to **AB 1096** being on the Special Consent Calendar.

Senator Ackerman objected to **AB 620** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

**Assembly Bill 800**—An act to amend Section 1785.25 of the Civil Code, relating to consumer credit.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 964**—An act to amend Sections 2982, 2982.5, and 2985.8 of the Civil Code, relating to vehicle contracts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1516**—An act to amend Section 3048 of the Family Code, relating to child custody, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 241**—An act to amend Section 27388 of the Government Code, relating to law enforcement.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 706**—An act to add Section 61600.3 to the Government Code, relating to community services districts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1172**—An act to add Section 6529 to the Government Code, relating to joint powers agreements.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1347**—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 28**—Relative to California Indian Heritage Month.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1495**—An act to amend Section 3003 of the Penal Code, relating to parole placement.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1228**—An act to add Section 65850.3 to the Government Code, relating to zoning.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 169**—An act to add Section 22062 to the Financial Code, relating to finance lending.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 769**—An act to add Sections 2586.2, 2586.4, 2586.6, and 2586.8 to the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 354**—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 2**—Relative to the William H. Lancaster Memorial Freeway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1575**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1254**—An act to amend Sections 830.1 and 832 of the Penal Code, relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 383**—An act to amend Section 977 of the Penal Code, relating to criminal procedure.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1055**—An act to amend Section 29404 of the Government Code, relating to the district attorney.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1610**—An act to amend Section 1785.20.3 of the Civil Code, relating to consumer credit.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1639**—An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (38)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow.

The following Senator was granted leave of absence for the day due to a family illness: Senator Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 1:45 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Wednesday, June 25, 2003.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
June 24, 2003

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

James Ghielmetti, CEO and owner, land development and homebuilding firm. Appointed 6/18/03. Effective 6/24/03:

Member, California Transportation Commission vice Roger A. Kozberg, term expired, term ending 2/1/05.

Alice A. Huffman, CEO and owner, consulting firm. Appointed 6/23/03. Effective 6/23/03:

Member, Trustees of the California State University vice Laurence K. Gould, Jr., term expired, term ending 3/1/10.

Above appointments referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**

**Committee on Judiciary**

Date of Hearing, June 17, 2003

Madam President: The Committee on Judiciary, to which were referred:

AB 703

AB 1710

Reports the same back with the recommendation: Do pass as amended.  
 ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, June 17, 2003

Madam President: The Committee on Judiciary, to which was referred:  
 AB 542

Reports the same back with the recommendation: Do pass as amended, but  
 first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Judiciary, to which  
 was referred:

AB 682

Reports the same back with author's amendments with the  
 recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 682**—An act to amend Section 798.55 of the Civil  
 Code, relating to mobilehomes.

Bill read second time.

The amendments were read and adopted and the measure ordered  
 printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Appropriations, to  
 which were referred:

ACR 7	ACR 30	ACR 38	ACR 73
ACR 10	ACR 31	ACR 39	AB 1702
ACR 19	ACR 35	ACR 54	

Reports the same back with the recommendation: That the above measures  
 be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Health and Human Services**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Health and Human  
 Services, to which was referred:

AB 999

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 999**—An act to add Section 14132.27 to the Welfare and Institutions Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 24, 2003

Madam President: The Committee on Rules has examined:

SB 110

And reports that the same has been correctly enrolled, and presented to the Governor on the 24th day of June, 2003, at 2:45 p.m.

BURTON, Chair

**Committee on Agriculture and Water Resources**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 107

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 107**—An act to add Sections 79522 and 79522.5 to the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

AB 652

AB 1196

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 652**—An act to amend Section 4980.44 of the Business and Professions Code, relating to healing arts.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 652 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LENO

**Permission of Rules Committee**

Senate Chamber, June 24, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 652.

BURTON, Chair

**Assembly Bill 1196**—An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 1438

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MCPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1438**—An act to add Section 1536.5 to the Penal Code, relating to business records.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Date of Hearing, June 23, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1382

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

FIGUEROA, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, June 23, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 138 AB 282

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bills ordered to second reading.

Date of Hearing, June 23, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 523 AB 534

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

FIGUEROA, Chair

Above measures re-referred to the Committee on Judiciary.

Date of Hearing, June 23, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1669

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

FIGUEROA, Chair

Above measure re-referred to the Committee on Public Safety.

**Committee on Transportation**

Senate Chamber, June 24, 2003

Madam President: The Chair of the Committee on Transportation, to which were referred:

AB 1408 AB 1555

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1408**—An act to amend Section 21201 of, to repeal and add Section 21202 of, and to repeal Section 21208 of, the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 1555**—An act to amend Section 654.05 of the Harbors and Navigation Code, relating to vessels.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **ACR 74** was withdrawn from the Committee on Insurance and re-referred to the Committee on Rules.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 518** was withdrawn from Committee and placed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 117**—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

Bill read third time.

**Amendments Adopted**

Amendments to AB 117 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1754**—An act to amend Sections 2557.5, 2558, 8222.5, 10554, 13030, 14002.1, 37253, 41203.1, 41975, 42238.12, 42239.1, 42239.15, 42241.7, 42243.7, 44395, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 69618.9, 76300, 99234, and 99235 of, and to add Sections 2558.46, 17070.76, 33128.3, 42238.146, 84321, and 84322 to, the Education Code, to add Section 7576.5 to the Government Code, and to amend Section 39 of, and to repeal Section 51 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1754 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1747**—An act relating to the Budget Act of 2003.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1747 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations**

**SCA 1**—Be adopted as amended

**AYES (11)**—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Johnson, Karnette, Machado, Murray, and Poochigian.

**NOES (0)**—None.

Date of Hearing: 6/24/03

Alpert (Chair)

**Committee on Business and Professions**

**AB 138**—Do pass

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 282**—Do pass

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 523**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 534**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 1382**—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 1392**—Do pass as amended

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 1538**—Do pass as amended

AYES (5)—Senators Aanestad, Cedillo, Figueroa, Machado, and Murray.  
NOES (0)—None.

**AB 1669**—Do pass and re-refer to Committee on Public Safety

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.  
NOES (1)—Senator Aanestad.

Date of Hearing: 6/23/03

Figueroa (Chair)

**Committee on Public Safety**

**AB 2**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.  
NOES (0)—None.

**AB 108**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.  
NOES (0)—None.

Failed passage

**AB 108**—Reconsideration granted

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.  
NOES (0)—None.

**AB 150**—Do pass as amended

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed passage

**AB 150**—Reconsideration granted

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 187**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

**AB 355**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1081**—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators McPherson and Margett.

NOES (0)—None.

Failed passage

**AB 1081**—Reconsideration granted

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1098**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1153**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1436**—Do pass as amended

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 6/24/03

McPherson (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of Enola Maxwell of San Francisco.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Louis Bidou of Benicia.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Robert Gonzales of Chino.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 10:30 a.m., Wednesday, June 25, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, June 25, 2003

The Senate met at 10:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Morrow will be excused this day on legislative business and Senator Speier will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Alpert led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Public Employment and Retirement**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 676                      AB 1498                      AB 1584  
AB 1586                      AB 1606

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 369

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SOTO, Chair

Above measure ordered to second reading.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 269                      AB 106                      AB 265  
AB 375                      AB 719

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 1082

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

SOTO, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 55            AB 144            AB 374            AB 1585

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SOTO, Chair

Above measures ordered to second reading.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 1141            AB 1362            AB 1587

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above measures ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1340

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Natural Resources and Wildlife**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

AB 413            AB 433            AB 1770

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

KUEHL, Chair

Above measures re-referred to the Committee on Environmental Quality.

**Committee on Judiciary**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 805

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 1712

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 693

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
SR 20

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 76

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Labor and Industrial Relations.

ESCUTIA, Chair

Above measure ordered to second reading.

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 418 AB 738

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 418**—An act to amend Section 22358 of the Business and Professions Code, and to amend Sections 415.20, 415.45, 415.46, and 1167.4 of, and to add Section 415.95 to, the Code of Civil Procedure, relating to civil actions.

Bill read second time.

**Assembly Bill 738**—An act to amend Sections 5241, 17702, and 17704 of, and to add Section 17701 to, the Family Code, relating to child support.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

AB 566 AB 1019

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bills ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

AB 142 AB 627 AB 1212  
AB 1296 AB 1420

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 66

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Transportation.

KUEHL, Chair

Above measure re-referred to the Committee on Transportation.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 866

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

KUEHL, Chair

Above measure re-referred to the Committee on Rules.

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

AB 1771

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1771**—An act to amend Section 11361 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 253

AB 632

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 253**—An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

Bill read second time.

**Assembly Bill 632**—An act to amend Section 22754 of the Government Code, and to amend Section 12302.25 of, and to add Section 12302.21 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 632 pursuant to Joint Rule 58.

ASSEMBLY MEMBER KEHOE

**Permission of Rules Committee**

Senate Chamber, June 25, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 632.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 1370

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Elections and Reapportionment**

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

AB 1245

AB 1679

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1245**—An act to add Section 9001.5 to the Elections Code, relating to initiatives.

Bill read second time.

**Assembly Bill 1679**—An act to amend Sections 13, 302, 1303, 2187, 2194, 3103, 3304, 4101, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Local Government, to which were referred:

AB 170

AB 728

AB 878

AB 944

AB 953

AB 1182

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 170**—An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.

Bill read second time.

**Assembly Bill 728**—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

Bill read second time.

**Assembly Bill 878**—An act to amend Sections 6055 and 6077.6 of, and to add Sections 6084.1 and 6084.2 to, the Harbors and Navigation Code, relating to harbor districts.

Bill read second time.

**Assembly Bill 944**—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add Sections 65565 and 65571 to, the Government Code, relating to local planning.

Bill read second time.

**Assembly Bill 953**—An act to amend Section 66424.6 of the Government Code, relating to land use.

Bill read second time.

**Assembly Bill 1182**—An act to amend Sections 8855, 8856, and 91555 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 347

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 347**—An act relating to sentensing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, June 25, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which were referred:

AB 514                      AB 1069                      AB 1724

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 514**—An act to add Section 111 to the Water Code, relating to water.

Bill read second time.

**Assembly Bill 1069**—An act to amend Sections 27541, 27551, and 27553 of, and to add Sections 27503.5, 27519.5, 27680, 27681, 27682, 27683, 27684, 27685, 27686, 27687, 27688, 27689, and 27690 to, the Food and Agricultural Code, relating to eggs.

Bill read second time.

**Assembly Bill 1724**—An act to amend Sections 11732, 12999.4, and 13000 of the Food and Agricultural Code, relating to pesticides.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 976**—An act to amend Section 13952 of the Government Code, relating to victims of crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1710**—An act to amend Section 7121 of the Family Code, and to amend Sections 213.5 and 355 of, and to add Section 213.6 to, the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 542**—An act to amend Section 1563 of the Code of Civil Procedure, and to amend Section 179 of the Military and Veterans Code, relating to military artifacts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 703**—An act to add Section 8315 to the Government Code, relating to racial discrimination.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Concurrent Resolution 7**—Relative to California Highway Patrol Officer Don J. Burt Memorial Highway.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 10**—Relative to pupil health.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 19**—Relative to Joash E. Paul Memorial Highway.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 30**—Relative to William “Bill” Lehn Memorial Highway.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 31**—Relative to pupil fitness.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 35**—Relative to the Steven Lindblom Memorial Freeway.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 38**—Relative to Thomas E. Burnett, Jr. Memorial Bridge.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 39**—Relative to the San Francisco-Oakland Bay Bridge.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 54**—Relative to the Screaming Eagles Highway.

Resolution read second time and ordered to third reading.

**Assembly Concurrent Resolution 73**—Relative to the Danielle van Dam Memorial Overpass.

Resolution read second time and ordered to third reading.

**Assembly Bill 518**—An act to amend Section 56668 of the Government Code, relating to local agency formation.

Bill read second time and ordered to third reading.

**Assembly Bill 1702**—An act to amend Section 15399.15 of the Government Code, and to amend Sections 25150.1, 25281, 25288, 25290.1, 25292, 25292.5, 25293, 25295, 25295.5, 25298, 25299, 25299.4, and 33459 of, and to add Sections 25280.6 and 25290.2 to, the Health and Safety Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 138**—An act to add Section 2076 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time and ordered to third reading.

**Assembly Bill 282**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 117**—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

#### **Senator Kuehl Presiding**

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **AB 138** was referred to the Committee on Appropriations.

#### **THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1769**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the

Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

**Urgency Clause**

Urgency clause read and refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

**REQUEST FOR UNANIMOUS CONSENT TO  
SUSPEND MASON'S MANUAL**

Senator Chesbro asked for, and was granted, unanimous consent that Section 457 of Mason's Manual be suspended so that the urgency clause to AB 1769 may be reconsidered more than one time.

**CONSIDERATION OF AB 1769 (RESUMED)  
Motion to Reconsider (AB 1769)**

Senator Chesbro moved to reconsider the vote whereby the urgency clause to AB 1769 was refused adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1766**—An act to add Title 17 (commencing with Section 99000) to the Government Code, and to add and repeal Sections 6051.5 and 6201.5 of the Revenue and Taxation Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

**REQUEST FOR UNANIMOUS CONSENT TO  
SUSPEND MASON'S MANUAL**

Senator Alpert asked for, and was granted, unanimous consent that Section 457 of Mason's Manual be suspended so that the urgency clause to AB 1766 may be reconsidered more than one time.

**CONSIDERATION OF AB 1766 (RESUMED)  
Motion to Reconsider (AB 1766)**

Senator Alpert moved to reconsider the vote whereby the urgency clause to AB 1766 was refused adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**CONSENT CALENDAR**

**Assembly Joint Resolution 10**—Relative to the Imperial County Airport.

Resolution read third time

**Consent Calendar Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1759**—An act relating to the Budget Act of 2003.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1759 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 25, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1759.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1759 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1757**—An act relating to the Budget Act of 2003.  
Bill read third time.

**Amendments Adopted**

Amendments to AB 1757 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1675** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 12 m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, June 26, 2003.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Transportation, to which were referred:

AB 625

AB 626

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 625**—An act to add Section 22658.3 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 626**—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Date of Hearing, June 25, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SCR 20

Reports the same back with the recommendation: Be adopted.

ALARCÓN, Chair

Above resolution ordered to third reading.

Date of Hearing, June 25, 2003

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 852

AB 1028

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALARCÓN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

AB 1430

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ALARCÓN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Public Safety, to which were referred:

AB 135

AB 1308

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 135**—An act to add Section 200 to the Penal Code, relating to homicide victims.

Bill read second time.

**Assembly Bill 1308**—An act to amend Sections 11758.41 and 11880 of, and to add Section 11880.5 to, the Health and Safety Code, and to add Section 4032 to the Penal Code, relating to drug treatment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Insurance, to which were referred:

AB 794

AB 996

AB 1191

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 794**—An act to add Section 12969 to the Insurance Code, relating to the Department of Insurance.

Bill read second time.

**Assembly Bill 996**—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

Bill read second time.

**Assembly Bill 1191**—An act to amend Section 678 of, and to add Chapter 11.5 (commencing with Section 679.9) to Part 1 of, Division 1 of the Insurance Code, relating to property insurance.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

AB 445

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 445**—An act to add and repeal Article 6 (commencing with Section 4998.90) of Chapter 14 of Division 2 of the Business and Professions Code, relating to social workers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1262

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1262**—An act to add Article 5 (commencing with Section 11761) to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 434

AB 552

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 434**—An act to amend Section 24216.5 of the Education Code, relating to state teachers' retirement.

Bill read second time.

**Assembly Bill 552**—An act to add Section 21039 to the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

ACR 17

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SCR 24      AB 610      AB 887      ACR 29

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, June 25, 2003

Madam President: The Committee on Health and Human Services, to which were referred:

AB 820      AB 1201

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Madam President: The Committee on Health and Human Services, to which were referred:

AB 777      AB 1045

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

AB 529

Reports the same back with the recommendation: Do pass.

ORTIZ, Chair

Above bill ordered to second reading.

**Committee on Housing and Community Development**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Housing and Community Development, to which were referred:

AB 218

AB 1192

AB 1475

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 218**—An act to amend Section 65582 of the Government Code, relating to local planning.

Bill read second time.

**Assembly Bill 1192**—An act to amend Section 65863 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1475**—An act to amend Section 53533 of the Health and Safety Code, and to amend Section 5814 of the Welfare and Institutions Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, June 25, 2003

Madam President: The Committee on Education, to which was referred:

AB 1783

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Madam President: The Committee on Education, to which were referred:

AB 774

AB 1537

AB 1573

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measures ordered to second reading.

Date of Hearing, June 25, 2003

Madam President: The Committee on Education, to which was referred:

AB 1070

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bill ordered to second reading.

Date of Hearing, June 25, 2003

Madam President: The Committee on Education, to which was referred:

AB 608

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, June 25, 2003

Madam President: The Committee on Education, to which was referred:

AB 1366

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing, June 16, 2003

Madam President: The Committee on Housing and Community Development, to which was referred:

AB 1034

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 808

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 808**—An act to enact the Energy Code, and to amend Sections 11550 and 12800 of the Government Code, relating to energy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 24, 2003

Madam President: The Committee on Public Safety, to which was referred:

AB 1436

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Transportation**

Date of Hearing, June 17, 2003

Madam President: The Committee on Transportation, to which was referred:

AB 467

Reports the same back with the recommendation: Do pass as amended.

MURRAY, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, June 25, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

AB 310

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 310**—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, June 11, 2003

Madam President: The Committee on Education, to which was referred:

AB 290

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Labor and Industrial Relations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 24:** By Senator Burton—Relative to the Senate Select Committee on Fiscal Restructuring.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Education**

**AB 294**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 608**—Do pass and re-refer to Committee on Public Safety

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 666**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Denham, Knight, and McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed Passage

**AB 666**—Reconsideration granted

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 774**—Do pass, to Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 781**—Committee amendments

AYES (6)—Senators Alpert, Karnette, McPherson, Romero, Scott, and Vasconcellos.

NOES (2)—Senators Chesbro and Denham.

**AB 781**—Do pass as amended, to Consent Calendar

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 942**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1038**—Do pass as amended and re-refer to Labor committee

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1070**—Do pass

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1366**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**AB 1537**—Do pass, to Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1573**—Do pass, to Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1783**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

**ACR 66**—Be adopted and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Date of Hearing: 6/25/03

Vasconcellos (Chair)

**Committee on Energy, Utilities and Communications**

**AB 426**—Do pass as amended and re-refer to Committee on Agriculture and Water Resources

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (2)—Senators Battin and McClintock.

**AB 653**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, Murray, Sher, and Vasconcellos.

NOES (1)—Senator McClintock.

**AB 1340**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (2)—Senators Battin and McClintock.

**AB 1407**—Do pass as amended

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 6/24/03

Bowen (Chair)

**Committee on Health and Human Services**

**AB 23**—Do pass as amended

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

**AB 183**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (1)—Senator Battin.

**AB 366**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 529**—Do pass

AYES (8)—Senators Aanestad, Alarcón, Ashburn, Battin, Escutia, Kuehl, Ortiz, and Vincent.

NOES (2)—Senators Chesbro and Figueroa.

**AB 777**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 820**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1045**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1201**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1558**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 6/25/03

Ortiz (Chair)

**Committee on Judiciary****SR 20**—Be adopted, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 76**—Do pass as amended and re-refer to Committee on Labor and Industrial Relations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 416**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 540**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 647**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 693**—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 805**—Do pass, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1092**—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1173**—Do pass as amended

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

**AB 1361**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 1712**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

Date of Hearing: 6/24/03

Escutia (Chair)

**Committee on Labor and Industrial Relations****SCR 20**—Be adopted

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators Margett and Oller.

**AB 852**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators Margett and Oller.

**AB 1028**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (2)—Senators Margett and Oller.

**AB 1430**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

Date of Hearing: 6/25/03

Alarcón (Chair)

**Committee on Natural Resources and Wildlife****AB 66**—Do pass and re-refer to Committee on Transportation

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 142**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 413**—Do pass and re-refer to Committee on Environmental Quality

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 433**—Do pass and re-refer to Committee on Environmental Quality

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 566**—Do pass

AYES (8)—Senators Alpert, Bowen, Denham, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (1)—Senator Hollingsworth.

**AB 627**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 866**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 1014**—Do pass as amended

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 1019**—Do pass

AYES (8)—Senators Alpert, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 1212**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 1296**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

**AB 1420**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Denham, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

**AB 1476**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Bowen, Denham, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Hollingsworth and Oller.

**AB 1770**—Do pass and re-refer to Committee on Environmental Quality

AYES (5)—Senators Alpert, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 6/24/03

Kuehl (Chair)

**Committee on Public Employment and Retirement**

**SB 269**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 55**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 106**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 144**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 265**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 369**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 374**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 375**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 676**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 719**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 1082**—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1141**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1362**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1498**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1584**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1585**—Do pass, to Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1586**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1587**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1606**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

Date of Hearing: 6/23/03

Soto (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of William H. Preston of National City.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Al Bernard Kolar of Yorba Linda, Gordon Boranian of Sacramento and Peter A. Enns of Dinuba.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Thursday, June 26, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 26, 2003

The Senate met at 9:30 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Morrow will be excused this day on legislative business and Senator Speier will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

*God of Creation*, You whose Word brought forth form from chaos, life from nothingness, You whose Word Incarnate brought calm to chaotic hearts, bless us we pray. Open our hearts, minds and especially our imaginations that under Your guidance we too may conquer Tiamet, and bring forth creative solutions out of division and conflict.—AMEN

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Aanestad led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, June 25, 2003

The Committee on Rules has referred the following measures to committee:

**Education**—AB 1144, AB 1485.

**Natural Resources and Wildlife**—AB 1354.

**Rules**—AB 459.

The Committee on Rules has re-referred the following measures to committee:

**Environmental Quality**—AB 866.

**Insurance**—AB 1527, AB 1528.

**Judiciary**—AB 1382.

**Local Government**—AB 1268.

State Capitol, June 25, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Rosa G. Perez of Redwood City as a member of the Curriculum Development and Supplemental Materials Commission to serve for a term ending May 31, 2004.

Reappointed Ms. Vicki L. Nichols of Santa Cruz as a member of the Oil Spill Technical Advisory Committee to serve at the pleasure of the Rules Committee.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #12 outlining the jurisdiction of the Select Committee on Retirement Investment Protection and Corporate Responsibility and appointed the following members to serve on the committee: Senators Dunn, Escutia, Morrow and Soto.

BURTON, Chair

**Committee on Revenue and Taxation**

Senate Chamber, June 26, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1666

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1666**—An act to amend Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1666 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COGDILL

**Permission of Rules Committee**

Senate Chamber, June 26, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1666.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, June 25, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

AB 243                      AB 967                      AB 1741

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Mr. President: The Committee on Revenue and Taxation, to which were referred:

AB 1043              AB 1740              AB 1743              AB 1744

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Rules**

Senate Chamber, June 25, 2003

Mr. President: The Committee on Rules has examined:

SCR 28

SJR 8

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 25th day of June, 2003, at 4:30 p.m.

BURTON, Chair

Senate Chamber, June 26, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 459

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments****Assembly Bill 459**—An act relating to state employees

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Appropriations, to which was referred:

SCA 1

Reports the same back with the recommendation: Be adopted as amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, June 26, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 212

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 212**—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers’ retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, June 26, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1168

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Senate Chamber, June 26, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 1093

AB 1099

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1093**—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read second time.

**Assembly Bill 1099**—An act to amend Sections 1877.1 and 1877.3 of the Insurance Code, relating to insurance fraud.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

State Capitol, June 25, 2003

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Leroy D. Baca, Member, Commission on Peace Officer Standards and Training (3-0)

Louis J. Blanas, Member, Commission on Peace Officer Standards and Training (3-0)

James P. Fox, Member, Commission on Peace Officer Standards and Training (3-0)

Michael R. Yamaki, Member, Commission on Peace Officer Standards and Training (3-0)

Francisco J. Hernandez, Ph.D., Member, Western Interstate Commission for Higher Education (3-0)

Robert L. Moore, Member Western Interstate Commission for Higher Education (3-0)

Kristen P. Addicks, Member, California Regional Water Quality Control Board, San Francisco Bay Region (3-0)

Josephine T. De Luca, Member, California Regional Water Quality Control Board, San Francisco Bay Region (3-0)

Jack L. Clarke, Member, California Regional Water Quality Control Board, Lahontan Region (3-0)

Leon M. Lesicka, Member, California Regional Water Quality Control Board, Colorado River Basin Region (3-0)

John H. Minan, Member, California Regional Water Quality Control Board, San Diego Region (3-0)

Alson B. Brizard, Member, California Regional Water Quality Control Board, Central Valley Region (3-0)

Robert H. Schneider, Member, California Regional Water Quality Control Board, Central Valley Region (3-0)

Gerald D. Cochran, Member, California Regional Water Quality Control Board, North Coast Region (3-0)

Allen K. Scribner, Warden, California State Prison, Corcoran (4-0)

Scott Rawers, Warden, California State Prison, Avenal (3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF SENATE BILLS**

**Senate Resolution 20**—Relative to eugenics.

Resolution read second time, ordered engrossed, and to Consent Calendar.

**Senate Concurrent Resolution 24**—Relative to highway designations.

Resolution read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 369**—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 55**—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 144**—An act to amend Section 31470.10 of the Government Code, relating to county employees' retirement.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 374**—An act to add and repeal Section 31580.3 of the Government Code, relating to county employees' retirement systems.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1585**—An act to amend Sections 31452, 31529.9, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1141**—An act to amend Section 3502.5 of the Government Code, relating to employer-employee relations.

Bill read second time and ordered to third reading.

**Assembly Bill 1362**—An act to amend Section 1151.5 of the Government Code, relating to personnel.

Bill read second time and ordered to third reading.

**Assembly Bill 1587**—An act to amend Sections 31520.1 and 31520.5 of, and to add Section 31485.9 to, the Government Code, relating to local public employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Bill 805**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 693**—An act to amend Section 798.86 of the Civil Code, relating to mobilehome parks.

Bill read second time and ordered to third reading.

**Assembly Bill 76**—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Labor and Industrial Relations.

**Assembly Bill 566**—An act to amend Section 8050 of the Fish and Game Code, relating to fish.

Bill read second time and ordered to third reading.

**Assembly Bill 1019**—An act relating to parks.

Bill read second time and ordered to third reading.

**Assembly Bill 1370**—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Concurrent Resolution 17**—Relative to highways.

Resolution read second time and ordered to third reading.

**Assembly Bill 610**—An act to amend Sections 17587 and 17592.5 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

**Assembly Bill 887**—An act to amend Section 74785 of the Food and Agricultural Code, relating to agriculture.

Bill read second time and ordered to third reading.

**Assembly Concurrent Resolution 29**—Relative to Daniel J. Muehlhausen Memorial Highway.

Resolution read second time and ordered to third reading.

**Assembly Bill 529**—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 774**—An act to amend Section 46144 of the Education Code, relating to vocational education.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1537**—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1573**—An act to amend Section 17250.35 of the Education Code, relating to school construction.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1070**—An act to amend Sections 45285 and 88104 of the Education Code, relating to classified school employees.

Bill read second time and ordered to third reading.

**Assembly Bill 1366**—An act to amend Sections 47632 and 47635 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1034**—An act to amend Section 54988 of the Government Code, and to amend Sections 17958.8, 17980, 17980.1, 17980.8, 17991, and 17992 of, and to add Sections 17960.10 and 17980.10 to, the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1436**—An act to amend Sections 35021.5 and 72330 of the Education Code, to amend Section 18124 of the Health and Safety Code, to amend Sections 830.6 and 12027.1 of the Penal Code, and to amend Sections 2806, 4453.6, 4460, 22855, 27900, 34507.5, 35790.1, and 40600 of the Vehicle Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 467**—An act to add Section 99163 to the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 290**—An act to amend Sections 35031, 44951, 45117, 72411, and 88017 of the Education Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Labor and Industrial Relations.

#### **MOTION TO RE-REFER TO COMMITTEE**

Pursuant to Joint Rule 10.5, Senator Alpert moved that **AB 1710** be re-referred to the Committee on Appropriations.

Motion carried.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 31**, **SCR 36**, **ACR 53**, **ACR 74**, and **ACR 95** were withdrawn from committee and placed on a Special Consent Calendar.

#### **REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Cedillo:

Senate Chamber, June 26, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 593 may be reported by the Committee on Revenue and Taxation after the deadline.

SENATOR CEDILLO

#### **Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

#### **RESOLUTION TO DISPENSE WITH JOINT RULES**

*Resolved*, That Joint Rule 61(a)(2) be dispensed with as requested.

Resolution read and presented by Senator Romero.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote.

**AYES (31)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

**NOES (0)**—None.

**Senator Alpert Presiding****CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Maeley Tom, Member, State Personnel Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Harold A. Rose, Member, Industrial Welfare Commission.

Marcy V. Saunders, Member, Occupational Safety and Health Appeals Board.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

A. John Shimmon, Member, Workers' Compensation Appeals Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Brulte and McClintock.

**Senator Burton Presiding****Consideration of Appointments by the Governor****Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Joseph W. Cotchett, Member, State Park and Recreation Commission be taken up separately.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1702**—An act to amend Section 15399.15 of the Government Code, and to amend Sections 25150.1, 25281, 25288, 25290.1, 25292.5, 25293, 25295, 25295.5, 25298, 25299, 25299.4, and 33459 of, and to add Sections 25280.6 and 25290.2 to, the Health and Safety Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 78**—An act to add Section 51221.4 to the Education Code, relating to curriculum.

Bill read third time and presented by Senator McPherson.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, and Oller.

Bill ordered transmitted to the Assembly.

**Senator Alpert Presiding**

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 20**—Relative to the Immigrant Workers Freedom Ride.

Resolution read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SR 24)**

Senator Burton asked for, and was granted, unanimous consent that SR 24 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Resolution 24**

**Senate Resolution 24**—Relative to the Senate Select Committee on Fiscal Restructuring.

Resolution read and presented by Senator Burton.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray,

Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

State Capitol, June 26, 2003

Madam President: The Senate Rules Committee has appointed the following members to serve on the newly created Select Committee on Fiscal Restructuring: Senators Cedillo, Ch., McPherson, V.Ch., Ashburn, Battin, Bowen, Ducheny, Machado, Ortiz, Poochigian and Torlakson.

BURTON, Chair

#### SPECIAL CONSENT CALENDAR

**Senate Concurrent Resolution 31**—Relative to California Missions Day.

Resolution read.

**Senate Concurrent Resolution 36**—Relative to the centennial anniversary of flight.

Resolution read.

**Assembly Concurrent Resolution 53**—Relative to the Fair Housing Act of 1963.

Resolution read.

**Assembly Concurrent Resolution 74**—Relative to the International Commission on Holocaust Era Insurance Claims.

Resolution read.

**Assembly Concurrent Resolution 95**—Relative to the Year of the Blues.

Resolution read.

#### Roll Call

The roll was called and the resolutions were adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolutions ordered transmitted to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

June 26, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following item taken up on this day:

Gov. Appt: Maeley Tom—Aye

JAMES L BRULTE, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 11:23 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, June 27, 2003.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 26, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 572                      SB 671                      SB 932

Above measures ordered enrolled.

Assembly Chamber, June 26, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 134                      SB 158                      SB 303  
SB 333                      SB 491                      SB 508

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, June 26, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1702

Assembly Chamber, June 26, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 110

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 110**—Relative to Probation, Parole, and Community Supervision Officers' Week.

**REPORTS OF STANDING COMMITTEES**

**Committee on Education**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Education, to which were referred:

AB 61                      AB 300                      AB 1017                      AB 1337

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 61**—An act to amend Section 1 of Chapter 78 of the Statutes of 1993, relating to the Compton Unified School District.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 61 pursuant to Joint Rule 58.

ASSEMBLY MEMBER DYMALLY

**Permission of Rules Committee**

Senate Chamber, June 26, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 61.

BURTON, Chair

**Assembly Bill 300**—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8263, 8805, 11021, 35160.5, 35256, 39831.5, 41344, 41402, 41403, 41975, 44505, 45037, 46201, 46202, 48209.16, 48916, 48918, 48980, 52055.600, 52055.640, 56001, 56028, 56032, 56043, 56170, 56320, 56341.5, 56343.5, 56345.1, 56361, 56366, 56390, 56391, 56500.3, 56504.5, 56505, 56506, 56605, 56836.01, 56836.155, 56863, 60040, and 60119 of, to amend and renumber Section 56364.2 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 11023, 17912.1, 32211, 41404, 41406, 41407, 45357, 45358, 48209.17, 51132, 51882, 56364, 56364.5, 62002, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, and to amend Section 45 of

Chapter 1167 of the Statutes of 2002, relating to education, and declaring the urgency thereof, to take immediately.

Bill read second time.

**Assembly Bill 1017**—An act to add Sections 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to the Education Code, relating to teachers.

Bill read second time.

**Assembly Bill 1337**—An act to amend Section 56505.2 of, and to add Section 56366.10 to, the Education Code, relating to special education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which were referred:

- |        |        |        |
|--------|--------|--------|
| AB 28  | AB 79  | AB 658 |
| AB 768 | AB 846 |        |

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 28**—An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to firefighting equipment.

Bill read second time.

**Assembly Bill 79**—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 658**—An act to add and repeal Section 19613.9 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 658 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JEROME HORTON

**Permission of Rules Committee**

Senate Chamber, June 26, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 658.

BURTON, Chair

**Assembly Bill 768**—An act to amend Section 16 of, and to add Sections 4.5 and 9.5 to, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

Bill read second time.

**Assembly Bill 846**—An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 933                      AB 1064                      AB 1253

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 933**—An act to amend Section 68120 of the Education Code, and to amend Sections 21541 , 31781.1, and 31787 of the Government Code, relating to death benefits.

Bill read second time.

**Assembly Bill 1064**—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

Bill read second time.

**Assembly Bill 1253**—An act to add and repeal Section 20901.2 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

AB 1527

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1527**—An act relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 17, 2003

Madam President: The Committee on Public Safety, to which was referred:

AB 1263

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 655

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 655**—An act relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Judiciary, to which were referred:

AB 159

AB 453

AB 1705

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 159**—An act to add Section 19636 to the Government Code, relating to state employment.

Bill read second time.

**Assembly Bill 453**—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read second time.

**Assembly Bill 1705**—An act to add Section 16004.5 to the Probate Code, relating to trusts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Local Government, to which was referred:

AB 1492

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1492**—An act to amend Section 51257 of, and to add Section 51282.1 to, the Government Code, relating to agricultural land conservation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, June 26, 2003

Madam President: The Committee on Local Government, to which was referred:

AB 1634

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1338

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1338**—An act to amend Sections 18662 and 18668 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 1683

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1683**—An act to amend Section 1596.859 of, and to add Section 1596.817 to, the Health and Safety Code, relating to child day care.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Agriculture and Water Resources**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 776

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 776**—An act to amend Section 46013.1 of the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 898

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 898**—An act to add Section 680 to the Penal Code, relating to DNA evidence.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, June 26, 2003

Madam President: The Chair of the Committee on Business and Professions, to which were referred:

AB 948

AB 1777

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 948**—An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time.

**Assembly Bill 1777**—An act to amend Sections 2475.3, 2481, 2483, 2484, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 24, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 426

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Agriculture and Water Resources.

BOWEN, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 39:** By Senators Johnson, Karnette, Knight, and Romero (Coauthors: Assembly Members Campbell, Dutton, Haynes, and Shirley Horton)—Relative to municipal utilities.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 20** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Public Safety;

**AB 135** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules; and

**AB 434** was withdrawn from the Committee on Public Employment and Retirement and re-referred to the Committee on Rules.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 348** was withdrawn from committee and placed on file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1761**—An act relating to the Budget Act of 2003.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1761 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1746**—An act relating to the Budget Act of 2003

Bill read third time.

**Amendments Adopted**

Amendments to AB 1746 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1756**—An act relating to the Budget Act of 2003.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1756 pursuant to Joint Rule 58.

SENATOR CHESBRO

**Permission of Rules Committee**

Senate Chamber, June 26, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1756.

BURTON, Chair

**Amendments Adopted**

Amendments to AB 1756 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A report dated: February 28, 2003, relating to the Low-Income Home Energy Assistance program was received from the Department of Community Services and Development and transmitted to the Committee on Housing and Community Development.

A report dated: May 27, 2003, relating to the Youth Pilot program was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

The 2002 fourth quarter report dated: May 27, 2003, relating to the Peak Load Reduction program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: May 28, 2003, relating to Asset Forfeiture was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: May 29, 2003, relating to residence address access to institutions of higher education was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation.

A joint biennial report dated: May 29, 2003, relating to the School Community Policing Partnership Grant program was received from the Department of Education/Attorney General's Office and transmitted to the Committee on Public Safety.

A report dated: May 30, 2003, relating to Education Funding Levels was received from the Department of the Youth Authority and transmitted to the Committee on Budget and Fiscal Review.

A report dated: June 5, 2003, relating to education and reporting requirements for judicial officers who hear juvenile dependency matters was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

A report dated: June 10, 2003, relating to California's Olmstead Plan was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: June 12, 2003, relating to Floodplain Management was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

A semi-annual report dated: June 12, 2003, relating to the Public Interest Energy Research program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: June 12, 2003, relating to Liability Insurance for California Long-Term Care Providers was received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

The 2003 First Quarter report dated: June 13, 2003, relating to MTBE was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

The March 31, 2003, report dated: June 13, 2003, relating to financial statements prepared from books without audit was received from Lottery Commission and transmitted to the Committee on Governmental Organization.

A report dated: June 17, 2003, relating to the Rural Route Enforcement program was received from the California Highway Patrol and transmitted to the Committee on Budget and Fiscal Review.

The April 2003 quarterly report dated: June 17, 2003, relating to the Capitol Area East End Complex was received from the Department of General Services and transmitted to the Committee on Rules.

A report dated: June 17, 2003, relating to Safety Enhancement, Double Fine Zones was received from the Department of Transportation and transmitted to the Committee on Transportation.

The sixth biennial report dated: June 18, 2003, relating to program activities was received from the Department of Transportation and transmitted to the Committee on Transportation.

An Initiative Title and Summary dated: June 18, 2003, relating to Fees. Vote Requirement. Repeal. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: June 18, 2003, relating to Taxes. Fees. Vote Requirement. Repeal. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: June 18, 2003, relating to Fees. Two-Thirds Vote Requirement. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: June 18, 2003, relating to Two-Thirds-plus-One Vote Requirement. Taxes. Fees. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: June 18, 2003, relating to Fees. Vote Requirement. Repeal. State Budget. Penalties and Reserve. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

The June 30, 2002, report dated: June 18, 2003, relating to actuarial valuation was received from the State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: June 19, 2003, relating to the State Controller's Office's operation of the Bureau of Unclaimed Property was received from the State Auditor and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: June 19, 2003, relating to Campaign Funds. Initiative Statute Amdt#1-s was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: June 26, 2003, relating to the California Veterans Board's oversight of the Department of Veteran Affairs was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: June 2003, relating to Domestic Violence was received from the Senate Office of Research and transmitted to the Committee on Public Safety.

A resolution relating to the Secretary of the Interior's actions to enforce California's entitlements pursuant to the Colorado River Compact was received from the State of Colorado and transmitted to the Committee on Agriculture and Water Resources.

A report relating to the Forest Legacy program was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Natural Resources and Wildlife.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Revenue and Taxation**

**SB 593**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Ashburn, Cedillo, and Poochigian.

NOES (0)—None.

**AB 243**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Cedillo, and Poochigian.

NOES (1)—Senator Ashburn.

**AB 967**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

**AB 1043**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

**AB 1740**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

**AB 1741**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Ashburn, Cedillo, and Poochigian.

NOES (0)—None.

**AB 1743**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

**AB 1744**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Alpert, Ashburn, Bowen, Cedillo, and Poochigian.

NOES (0)—None.

Date of Hearing: 6/25/03

Cedillo (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Joanne L. Stanton of Anaheim.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Ofc. John Frederick Lee Small of Chino Hills.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Robert Allan “Bob” Henke of Sanger.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators’ requests until 8:30 a.m., Friday, June 27, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, June 27, 2003

The Senate met at 8:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent—31.

Quorum present.

*(NOTE: Senators Ackerman, Ashburn, Battin, Florez, Morrow, and Sher will be excused this day on legislative business, Senator Vasconcellos will be excused this day on personal business, Senator Murray will be excused this day due to illness, and Senator Speier will be excused this day due to a death in the family.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Accept our prayers, O God, as a humble effort to feel Your presence, to hallow Your name, and to strengthen our loyalty to Your laws. When doubts, anxiety, exhaustion, or pain hinder us in our efforts to commune with You, grant that our prayers may find their answer in firmer courage and greater fortitude. That with hearts and minds less troubled, we may come closer to You and to one another.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Romero led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES****Committee on Revenue and Taxation**

Date of Hearing, June 25, 2003

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 593

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, June 27, 2003

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 928

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 928**—An act to add Section 487.8 to the Penal Code, relating to vessels.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 27, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 786

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 786**—An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 24, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 355

AB 1098

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measures ordered to second reading.

**Committee on Elections and Reapportionment**

Senate Chamber, June 27, 2003

Madam President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

AB 190

AB 526

AB 593

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 190**—An act to amend Section 82036 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 526**—An act to add and repeal Section 2107.5 of the Elections Code, relating to registration.

Bill read second time.

**Assembly Bill 593**—An act to amend Section 3206 of, and to add Article 3.5 (commencing with Section 2145) to Chapter 2 of Division 2 of,

the Elections Code, and to amend Section 12950 of, and to add Section 12950.5 to, the Vehicle Code, relating to voter registration.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 265 to be heard in the Committee on Appropriations on June 27 and AB 1027 to be heard in the Committee on Public Employment and Retirement on June 30 without appropriate notice in the Daily File.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read second time.

The amendments proposed by the Committee on Appropriations were read and adopted, resolution ordered printed, engrossed and to third reading.

#### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1168**—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

Bill read second time and ordered to third reading.

**Assembly Bill 1263**—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1634**—An act relating to public lands.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**Assembly Bill 426**—An act to add Section 139 to the Water Code, relating to the State Water Project.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Agriculture and Water Resources.

**Assembly Bill 348**—An act to amend Sections 5152, 5154, 5257, 5259.3, 5264, 5267, and 5270.35 of the Welfare and Institutions Code, relating to mental health.

Bill read second time and ordered to third reading.

#### **UNFINISHED BUSINESS**

##### **Consideration of Assembly Amendments**

**Senate Bill 491**—An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 491?

##### **Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

**AYES (30)**—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

**NOES (0)**—None.

Above bill ordered enrolled.

#### **THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 525**—An act to amend Section 3365.6 of the Business and Professions Code, relating to hearing aids.

Bill read third time and presented by Senator Figueroa.

##### **Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (24)**—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, McPherson, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

**NOES (3)**—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Assembly Bill 478**—An act to amend Section 22851.3 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Kuehl.

##### **Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (24)**—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette,

Kuehl, Margett, McPherson, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (5)—Senators Brulte, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

**Assembly Bill 36**—An act to amend Section 52056 of the Education Code, relating to academic achievement.

Bill read third time and presented by Senator McPherson.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 282**—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Karnette.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (0)—None.

#### Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

June 27, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 491—Aye

AB 36—Aye

JOHN L BURTON, President pro Tempore

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Ashburn, Battin, Florez, Morrow, and Sher.

The following Senator was granted leave of absence for the day due to personal business: Senator Vasconcellos.

The following Senator was granted leave of absence for the day due to illness: Senator Murray.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Speier.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 9:08 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, June 30, 2003.

Motion carried.

**Senator McPherson Presiding**

**MEASURE RE-REFERRED TO COMMITTEE**

Without objection, **AB 1760** was re-referred to the Committee on Public Safety.

**REPORTS OF STANDING COMMITTEES**

**Committee on Insurance**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 1528

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments****Assembly Bill 1528**—An act relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 85

AB 419

AB 577

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments****Assembly Bill 85**—An act to add Section 21023.2 to the Government Code, relating to public retirement, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 419**—An act to amend Sections 22200, 22224, and 22225 of, and to add Section 22227 to, the Education Code, to amend Sections 82023, 82024, and 90001 of, and to add Section 84225.5 to, the Government Code, and to amend Section 4 of Chapter 1049 of the Statutes of 2002, relating to the Teachers' Retirement Board, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 577**—An act to amend Section 19056 of, to add Sections 18941 and 19053 to, and to repeal Section 19056.5 of, the Government Code, relating to civil service.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1092

Reports the same back with the recommendation: Do pass as amended.

ESCUZIA, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, June 25, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 366

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 1524

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1524**—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 1119

AB 1567

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1119**—An act to add Title 4.7 (commencing with Section 13630) to Part 4 of the Penal Code, relating to law enforcement agencies.

Bill read second time.

**Assembly Bill 1567**—An act to amend, repeal, and add Sections 830.3, 830.37, and 830.38 of, and to add Section 13543.5 to, the Penal Code, relating to peace officers, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 1144

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1144**—An act to add Sections 89539.1 and 89539.2 to the Education Code, relating to the California State University.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Housing and Community Development**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

AB 1572

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1572**—An act to amend Sections 18070, 18070.2, 18070.3, and 18070.5 of, and to add Sections 18070.6 and 18070.7 to, the Health and Safety Code, relating to manufactured housing, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Judiciary**

Senate Chamber, June 27, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 118

AB 767

AB 920

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 118**—An act to amend Section 1653.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 767**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read second time.

**Assembly Bill 920**—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Section 53754 of the Government Code, relating to real estate disclosures.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 416

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 540

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1761**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1761 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 658** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules; and

**AB 652** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday June 30, 2003.

SB 187	AB 1105	ACR 30	ACR 73
SB 600	AB 376	ACR 35	ACR 17
SCR 37	AB 924	ACR 38	AB 610
SB 303	ACR 7	ACR 39	ACR 29
SCR 24	ACR 19	ACR 54	AB 1436

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Burton requested that when the Senate adjourns this day it do so in memory of John P. Whooley of San Francisco and Marin.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Abiel "Abe" Barron of Los Angeles.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Monday, June 30, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-NINETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 30, 2003

The Senate met at 9:30 a.m.  
Hon. Dede Alpert, of the 39th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1584**—An act to amend Sections 20057, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907, 21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22018, 22156, 22502, 22754, and 22825 of, to add Section 20672.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System.

Bill read second time.

**Assembly Bill 1717**—An act to amend Sections 8879.1, 14070.4, 14076.4, 14524.2, and 65082 of, and to repeal Sections 8879.17 and 14524.15 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102015 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Senate Chamber, June 30, 2003

Madam President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

AB 188

AB 828

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 188**—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

Bill read second time.

**Assembly Bill 828**—An act to add Section 14299.5 to the Elections Code, relating to election day procedures.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Public Employment and Retirement to meet at 1:30 p.m., this day.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 593**—An act to amend Sections 401.15, 755, 756, and 1153 of, to amend, repeal, and add Sections 1152 and 1155 of, and to add Sections 100.51, 721.51, 721.52, and 828.1 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 355**—An act to amend Section 871 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1098**—An act to amend Section 290.85 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1092**—An act to amend Section 1749.5 of, and to add Section 1749.45 to, the Civil Code, and to amend Section 1520.5 of the Code of Civil Procedure, relating to gift certificates.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 366**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 416**—An act to amend Section 8802 of the Family Code, relating to adoption.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

**Assembly Bill 540**—An act to add Section 103265 to the Health and Safety Code, relating to vital statistics.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill 134**—An act to amend Section 3097 of, and to add Section 3259.5 to, the Civil Code, relating to private works of improvement.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 134?

##### Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

#### THIRD READING OF SENATE BILLS

**Senate Constitutional Amendment 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Resolution read third time and presented by Senator Burton.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill 804**—An act to amend Section 704.730 of the Code of Civil Procedure, relating to homesteads.

Bill presented by Senator Machado.

The question being: Shall the Senate concur in the Assembly amendments to SB 804?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 567**—An act to amend Sections 25132 and 36900 of the Government Code, relating to local ordinances.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 567?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

**Senate Bill 333**—An act to amend Sections 11580.2 and 11580.23 of the Insurance Code, relating to automobile insurance.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 333?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

**Senate Bill 508**—An act to add Section 2984.5 to the Civil Code, relating to automobile sales financing.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 508?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 1002**—An act to amend Sections 25281 and 25297.1 of the Health and Safety Code, relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray,

Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

#### **THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 605**—An act to amend Sections 1, 5, and 7 of Chapter 489 of the Statutes of 2001, relating to lands granted in trust to the City and County of San Francisco.

Bill read third time and presented by Senator Speier.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### **Senator Burton Presiding**

**Assembly Bill 580**—An act to amend Section 1203.4 of the Penal Code, relating to firearms.

Bill read third time and presented by Senator Escutia.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (7)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, and Morrow.

Bill ordered transmitted to the Assembly.

**RECESS**

At 10:17 a.m., the Senate recessed until 4 p.m.

**REASSEMBLED**

At 4 p.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 30, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

- |        |         |         |        |
|--------|---------|---------|--------|
| AB 36  | AB 354  | AB 1254 | ACR 74 |
| AB 78  | AB 478  | AB 1347 |        |
| AB 241 | AB 769  | AB 1495 |        |
| AB 282 | AB 1228 | AB 1516 |        |

Assembly Chamber, June 30, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1040

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

**REPORTS OF STANDING COMMITTEES**

**Committee on Environmental Quality**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

- |        |        |         |         |
|--------|--------|---------|---------|
| AB 844 | AB 866 | AB 1468 | AB 1640 |
|--------|--------|---------|---------|

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 844**—An act to add Chapter 8.7 (commencing with Section 25740) to Division 15 of the Public Resources Code, relating to tire efficiency.

Bill read second time.

**Assembly Bill 866**—An act to amend Section 30947 of the Public Resources Code and to amend Section 79543 of the Water Code, relating to water quality.

Bill read second time.

**Assembly Bill 1468**—An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

Bill read second time.

**Assembly Bill 1640**—An act to amend Sections 25501.4, 25532, and 25540 of, and to add Section 25404.2.1 to, the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Natural Resources and Wildlife**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

AB 496

AB 561

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 496**—An act to add and repeal Division 23.6 (commencing with Section 33807) of the Public Resources Code, relating to the Santa Ana River Conservancy.

Bill read second time.

**Assembly Bill 561**—An act to amend Section 4561 of the Public Resources Code, relating to timber harvest.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 1476

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

#### **Committee on Insurance**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

AB 226

AB 527

AB 1049

AB 1286

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 226**—An act to amend Section 10110.1 of, and to add Section 10110.4 to, the Insurance Code, relating to life insurance.

Bill read second time.

**Assembly Bill 527**—An act to amend Section 12693.90 of the Insurance Code, relating to insurance.

Bill read second time.

**Assembly Bill 1049**—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read second time.

**Assembly Bill 1286**—An act to add Sections 733 and 17500.6 to the Business and Professions Code, to amend Sections 1373.65, 1373.95, 1373.96, 1392, and 1393 of, and to add Sections 1324, 1373.66 and 1373.67 to, the Health and Safety Code, and to amend 10133.55 and 10133.56 of, and to add Sections 10133.57, 10133.58, and 10133.59 to, the Insurance Code, relating to health care coverage.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, June 25, 2003

Mr. President: The Committee on Education, to which was referred:

ACR 66

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Health and Human Services**

Date of Hearing, June 25, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 183

AB 1558

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, June 25, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 23

Reports the same back with the recommendation: Do pass as amended.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, June 18, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 1369

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ORTIZ, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 1384

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1384**—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Business and Professions**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

AB 1538

Reports the same back with the recommendation: Do pass as amended.

FIGUEROA, Chair

Above measure ordered to second reading.



**Assembly Bill 801**—An act to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of the Business and Professions Code, relating to physicians and surgeons.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Appropriations**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 142            AB 179            AB 365            AB 464  
AB 475            AB 635            AB 1738

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

#### **Committee on Judiciary**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 647                                    AB 1173

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1361

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

#### **Committee on Public Safety**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 161

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 161**—An act to add Section 859.5 to the Penal Code, relating to criminal procedure.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Environmental Quality**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 302

Reports the same back with the recommendation: Do pass as amended.  
SHER, Chair

Above measure ordered to second reading.

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 1248

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

**Committee on Governmental Organization**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

AB 571

AB 1781

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 571**—An act to amend Section 19605.73 of the Business and Professions Code, relating to horse racing.

Bill read second time.

**Assembly Bill 1781**—An act to add Section 23021.5 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.



**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1214**—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, June 25, 2003

Mr. President: The Committee on Education, to which was referred:

AB 1038

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Labor and Industrial Relations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, June 30, 2003

Mr. President: The Committee on Rules has examined:

SB 491            SB 572            SB 671            SB 932

And reports that the same have been correctly enrolled, and presented to the Governor on the 30th day of June, 2003, at 4 p.m.

BURTON, Chair

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 901

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 901**—An act to amend Section 48003 of the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 66

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 66**—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1247

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1247**—An act to amend Section 25247 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 1153

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, June 24, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 2

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 883

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 883**—An act to repeal and amend Section 132.5 of the Penal Code, relating to witnesses.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1407

Reports the same back with the recommendation: Do pass as amended.

BOWEN, Chair

Above measure ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, June 30, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 236

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 236**—An act to add Sections 2232 and 2232.5 to the Business and Professions Code, relating to medicine.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1770** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Appropriations.

**REQUEST FOR UNANIMOUS CONSENT (SB 1040)**

Senator Alpert asked for, and was granted, unanimous consent to take up SB 1040 at this time, without reference to file.

**Consideration of Senate Bill 1040****Consideration of Assembly Amendments**

**Senate Bill 1040**—An act relating to education finance, making an appropriation therefor, and declaring the urgency therefore, to take effect immediately.

Measure presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 1040?

**Urgency Clause**

The roll was called and the urgency clause was adopted by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Oller, Perata, Poochigian, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Denham and Murray.

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Oller, Perata, Poochigian, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Denham and Murray.

*(NOTE: Reconsideration granted later this day.)*

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1764**—An act relating to the Budget Act of 2003.

Bill read third time.

**Motion to Amend**

Senator Brulte moved the adoption of amendments to AB 1764.

Amendments read and adopted.

**Consideration of Assembly Bill 1764 as Amended**

**Assembly Bill 1764**—An act to amend Section 22954.1 of, and to amend and repeal Section 22954 of, the Education Code, relating to state teachers' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

**Urgency Clause**

The urgency clause was adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**MOTION TO RECONSIDER (SB 1040)**

Senator Alpert moved to reconsider the vote whereby the Senate concurred in Assembly amendments to SB 1040.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**CONSIDERATION OF SENATE BILL 1040  
Consideration of Assembly Amendments**

**Senate Bill 1040**—An act relating to education finance, making an appropriation therefor, and declaring the urgency therefore, to take effect immediately.

Measure presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 1040?

**Urgency Clause**

The urgency clause was adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Dunn, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson,

Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Denham.

#### **Roll Call**

The roll was called and the Assembly amendments were concurred in by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Dunn, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Denham.

Above bill ordered enrolled.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

##### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1746**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to health services, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time and presented by Senator Chesbro.

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

##### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 80**—An act to amend Section 31485.7 of, and to add Section 31641.55 to, the Government Code, relating to county employees' retirement.

Bill read third time and presented by Senator Soto.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1746)**

On motion of Senator Chesbro, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and AB 1746 was passed by the following vote:

**AYES (27)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (1)**—Senator McClintock.

Above bill ordered transmitted to the Assembly.

**CONSENT CALENDAR****Objections Raised**

Senator Hollingsworth objected to **AB 55** and **AB 144** being on the Consent Calendar.

Senator Soto objected to **AB 1585** being on the Consent Calendar.

The President ordered the above measures placed on the third reading file.

**Senate Resolution 20**—Relative to eugenics.

Resolution read and adopted.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 374**—An act to add and repeal Section 31580.3 of the Government Code, relating to county employees' retirement systems.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 805**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 774**—An act to amend Section 46144 of the Education Code, relating to vocational education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1537**—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1573**—An act to amend Section 17250.35 of the Education Code, relating to school construction.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Bill 187**—An act to amend Sections 44325, 44326, 44328, and 44830.3 of the Education Code, relating to district interns, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 600**—An act to amend Sections 853, 855, 1766, 1971, 2154.2, 4409, 4848, 19613, and 19617.5 of, and to add a heading to Article 7.5 (commencing with Section 17582) of Chapter 1 of Part 3 of Division 7 of, the Business and Professions Code, to amend Sections 48, 941, 1102.6, 1102.6b, 1714, 1936, 1946.1, 1954, 2924j, and 2941 of the Civil Code, to amend Sections 17, 170.6, 179, 437c, 1208.5, 1420, and 1607 of the Code of Civil Procedure, to amend Sections 2117 and 25118 of the Corporations Code, to amend Sections 430, 446, 8483, 8499.5, 8813, 17073.25, 20091, 22138.5, 25103, 35401, 35534, 35738, 37220.8, 37252.1, 41329.3, 41344, 42127, 42238.46, 42238.53, 44775.4, 44775.6, 44775.7, 44775.8, 44830.3, 47605.3, 47614.5, 47632, 48927, 51122, 51226.1, 51226.3, 51700, 52053, 52056, 52071, 52073, 53082, 54201, 56021.1, 56046, 56341.5, 56383, 59008, 59104, 59205, 60246, 60900, 66025.3, 67385.3, 70010, 94140, 94154, 94771, and 99235 of the Education Code, to amend Sections 13102, 13107, and 19227 of the Elections Code, to amend Sections 3048, 3118, 8802, 9210, 9212, and 17506 of the Family Code, to amend Section 1226 of, and to amend the heading of Article 1 (commencing with Section 3100) of Chapter 17 of Division 1 of, the Financial Code, to amend Sections 1019, 2081.7, 2086, 2118, 3508, and 6954 of the Fish and Game Code, to amend Sections 9221, 12999.5, and 79008 of the Food and Agricultural Code, to amend Sections 3309.5, 3517.61, 3562, 3593, 6527, 7579.5, 8314, 8592.4, 8670.40, 10201, 10202, 10203, 10204, 10206, 11121, 12965, 14838.5, 14838.7, 14981, 19142, 19775.17, 19775.18, 19827, 19867, 19997.3, 20057, 20501, 20610, 20611, 20677, 20677.4, 20752, 20902.5, 21220, 21362.3, 21465, 22009.03, 22009.1, 22018, 22156, 22502, 22754, 22810, 22840.2, 23119, 26608.3, 30061, 30063, 31520.1, 31629.5, 31787.6, 45310.7, 53216.8, 53601.7, 53635, 57116, 68085, 68095, 68115, 68620, 69587, 69588, 70367, 70391, 70392, 71601, 71615, 71632.5, 71636, 71636.3, 73665, 73757, and 82011 of, and to amend and renumber Section 26638.5 of, the Government Code, to amend Sections 1339.63, 1368.015, 1368.02, 1797.115, 1797.196, 11571, 11581, 18943, 25249.7, 42801.1, 44299.80, 50199.74, 52075.1, 100870, 102247, 113995, 115000.1, 115928, 122137, 123418, 123464, and 125116 of, and to amend and renumber Section 121140 of, the Health and Safety Code, to amend Sections 1211 and 10235.52 of the Insurance Code, to amend Sections 98.2, 176, 230.1, 1776, and 3099.3 of the Labor Code, to amend Sections 179, 395.3, 406, and 1035.6 of, and to amend and renumber Sections 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 of, the Military and Veterans Code, to amend

Sections 132.5, 171.5, 337u, 383c, 424, 5971, 808, 1089, 1203.3, 1240.1, 1463, 1524.1, 11171, 11199, 11226, 11230, 12087.5, and 13823.9 of, and to repeal Article 4.5 (commencing with Section 12087) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, to amend Section 1513.1 of the Probate Code, to amend Sections 10524 and 20103.8 of the Public Contract Code, to amend Sections 4114.5, 4123, 5090.37, 5631, 6307.1, 21098, 25534, 30812, 31119, and 40507 of, and to amend and renumber Sections 21061.0.5 and 30950 of, the Public Resources Code, to amend Sections 334, 345, 346, 350, 360, 362, 394.25, 398.4, 5411.5, 7000, 15704, 132353.2, 132370.5, 132370.6 of, and to amend and renumber Sections 132632 and 132634 of, the Public Utilities Code, to amend Sections 96.1, 408, 426, 998, 2921.5, 7280, 7286.24, 17041, 17052.2, 17052.6, 17062, 17952.5, 18713, 18716, 18831, 19006, 20503, 20563, 23701t, 60361.5, and 60401 of, and to amend and renumber the heading of Chapter 2.98 (commencing with Section 7286.75) of Part 1.7 of Division 2 of, the Revenue and Taxation Code, to amend Sections 216.5, 390, and 27322 of the Streets and Highways Code, to amend Sections 411 and 15051 of the Unemployment Insurance Code, to amend Sections 5068, 9250.19, 9554, 11614.1, 11701, 11711.3, 12509, 21228, 21655.3, 23109.2, and 42011 of the Vehicle Code, to amend Sections 1013, 12949.6, 12994, 13307.1, 22762, 75480, 79420, and 79460 of, and to amend the heading of Article 1 (commencing with Section 71660) of Chapter 3 of Part 5 of Division 20 of, the Water Code, to amend Sections 225.05, 366.4, 1719, 4015, 4094, 4503, 5205, 5346, 5405, 11450, 11451.5, 11462, 14105.95, 14105.96, 14172, 15610.37, and 18969 of the Welfare and Institutions Code, and to amend Sections 12.5, 13, 13.5, and 14 of Chapter 1449 of the Statutes of 1951, Section 1 of Chapter 483 of, Section 1 of Chapter 575 of, Section 1 of Chapter 583 of, Section 1 of Chapter 697 of, Section 5 of Chapter 1020 of, and Section 1 of Chapter 1060 of the Statutes of 2002, relating to maintenance of the codes.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 37**—Relative to Juneteenth.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 303**—An act to amend Section 17075.15 of the Education Code, and to amend Sections 53321 and 53345.8 of, and to add Section 53313.51 to, the Government Code, relating to local agency facilities.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 24**—Relative to highway designations. Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1105**—An act to amend Section 803 of the Penal Code, relating to identity theft.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 376**—An act to amend Section 5771 of, and to add and repeal Section 5772.5 of, the Welfare and Institutions Code, relating to mental health.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 924**—An act to amend Section 602.8 of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 7**—Relative to California Highway Patrol Officer Don J. Burt Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 19**—Relative to Joash E. Paul Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 30**—Relative to William “Bill” Lehn Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 35**—Relative to the Steven Lindblom Memorial Freeway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 38**—Relative to Thomas E. Burnett, Jr. Memorial Bridge.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 39**—Relative to the San Francisco-Oakland Bay Bridge.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 54**—Relative to the Screaming Eagles Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 73**—Relative to the Danielle van Dam Memorial Overpass.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 17**—Relative to highways.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 610**—An act to amend Sections 17587 and 17592.5 of the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 29**—Relative to Daniel J. Muehlhausen Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1436**—An act to amend Sections 35021.5 and 72330 of the Education Code, to amend Section 18124 of the Health and Safety Code, to amend Section 830.6 of the Penal Code, and to amend Sections 2806, 4453.6, 4460, 22855, 27900, 34507.5, 35790.1, and 40600 of the Vehicle Code, relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1761**—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1761 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 690)**

Without objection, the action was rescinded whereby AB 690 was passed to the Assembly, and the measure was taken up without reference to file.

**Consideration of Assembly Bill 690**

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

Bill read.

**Amendments Adopted**

Amendments to AB 690 proposed by Senator Ashburn were read and adopted and the measure ordered printed and to second reading.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
June 30, 2003

*To the Members of the California Senate:*

Senate Bill 1040, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of SB 1040 as an emergency measure.

Sincerely,

GRAY DAVIS, Governor

Above bill ordered transmitted to the Governor.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

Senate Chamber, June 30, 2003

Mr. President: The Committee on Rules has examined:

SB 1040

And reports that the same has been correctly enrolled, and presented to the Governor on the 30th day of June, 2003, at 5 p.m.

BURTON, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 40:** By Senator Chesbro—Relative to youth involvement.

**Senate Concurrent Resolution 41:** By Senator McPherson—Relative to Baldrige National Quality Program.

**Senate Concurrent Resolution 42:** By Senator Soto—Relative to women's health.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 6:36 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand adjourned until Tuesday, July 1, 2003.

Motion carried.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Maggie Zarate of Mission Viejo.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Pamela Vosburg of Stockton and William Anderson of Linden.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Walter Dennis of Two Rivers, Wisconsin.

Senators Hollingsworth, Aanestad, Ackerman, Knight, Oller, and Brulte requested that when the Senate adjourns this day it do so in memory of Ruth Louise Bauer of Gold River.

Senator Knight requested that when the Senate adjourns this day it do so in memory of William P. Barton of Lancaster.

Senators Bowen and Karnette requested that when the Senate adjourns this day it do so in memory of Patricia A. Miller of Long Beach.

**ADJOURNMENT**

The Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, July 1, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDREDTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, July 1, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

### REPORTS OF STANDING COMMITTEES Committee on Environmental Quality

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Environmental Quality,  
to which were referred:

AB 151                      AB 413                      AB 1367

Reports the same back with author's amendments with the  
recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 151**—An act to add Section 41514.15 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 413**—An act relating to state property.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 413 pursuant to Joint Rule 58.

ASSEMBLY MEMBER GOLDBERG

**Permission of Rules Committee**

Senate Chamber, July 1, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 413.

BURTON, Chair

**Assembly Bill 1367**—An act to add Section 25150.9 to the Health and Safety Code, and to amend Section 13173 of the Water Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Transportation, to which were referred:

AB 710

AB 1238

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 710**—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

Bill read second time.

**Assembly Bill 1238**—An act to amend Sections 34501.12 and 34621 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.



**Second Reading of Bills—Author's Amendments**

**Assembly Bill 171**—An act to amend Sections 6276.24 and 54956.87 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to Medi-Cal.

Bill read second time.

**Assembly Bill 523**—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

Bill read second time.

**Assembly Bill 962**—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 1423

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1423**—An act to amend Sections 11500, 11502, and 11504 of, and to add Section 11502.5 to, the Business and Professions Code, relating to common interest development managers.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1423 pursuant to Joint Rule 58.

ASSEMBLY MEMBER DUTRA

**Permission of Rules Committee**

Senate Chamber, July 1, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1423.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 218

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

DUCHENY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1192

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Local Government.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1525

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1572

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1731

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measure ordered to second reading.

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

AB 668                      AB 1217                      AB 1633

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 668**—An act to amend Section 65584 of the Government Code, relating to local planning.

Bill read second time.

**Assembly Bill 1217**—An act to amend Sections 7060 and 7060.1 of the Government Code, relating to rental property.

Bill read second time.

**Assembly Bill 1633**—An act to amend Section 50408 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which was referred:

AB 679

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 679**—An act to amend Section 10229 of the Business and Professions Code, relating to real estate.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

- |        |        |         |         |
|--------|--------|---------|---------|
| AB 51  | AB 583 | AB 867  | AB 1600 |
| AB 138 | AB 617 | AB 1043 | AB 1675 |
| AB 362 | AB 853 | AB 1274 |         |

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

**Committee on Natural Resources and Wildlife**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

- AB 1216

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1216**—An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Education**

Date of Hearing, June 25, 2003

Mr. President: The Committee on Education, to which was referred:

- AB 294

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Education, to which was referred:

- AB 954

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 954**—An act to add Section 44825 to the Education Code, relating to teachers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Employment and Retirement**

Date of Hearing, June 30, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 933

AB 1321

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 419

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Elections and Reapportionment with the recommendation: To Consent Calendar.

SOTO, Chair

Above measure re-referred to the Committee on Elections and Reapportionment.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 1064

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above measure ordered to second reading.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 896

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SOTO, Chair

Above measure ordered to second reading.

Date of Hearing, June 30, 2003

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

AB 552	AB 577	AB 1027
AB 1156	AB 1428	AB 1583

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1169

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1169**—An act to amend Section 366.1 of the Public Utilities Code, relating to electric power.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 287	AB 323	AB 385
AB 388	AB 753	

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 716	AB 922	AB 1145	AB 1211
AB 1505	AB 1509	AB 1570	

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 768

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Local Government with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Local Government.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 855

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Energy, Utilities and Communications.

VINCENT, Chair

Above measure re-referred to the Committee on Energy, Utilities and Communications.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 846

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

VINCENT, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 1398

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

VINCENT, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 569                      AB 702                      AB 965

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measures ordered to second reading.

**Committee on Public Safety**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 20

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 20**—An act to amend Sections 710, 765, 767, 1109, 1228, 1253, 1360, and 1380 of, and to add Section 177 to, the Evidence Code, and to amend Sections 288, 368, 502.9, 515, 525, 859.1, 861.5, 868.7, 939.21, 1347.5, 11166, and 13515 of, and to add Section 1127g to, the Penal Code, and to amend Section 15630 of the Welfare and Institutions Code, relating to crime.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Date of Hearing, June 24, 2003

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 1014

Reports the same back with the recommendation: Do pass as amended.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Public Safety, to which were referred:

AB 1106                      AB 1273                      AB 1772

Reports the same back with the recommendation: Do pass.

McPHERSON, Chair

Above bills ordered to second reading.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 371

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

McPHERSON, Chair

Above measure re-referred to the Committee on Judiciary.

**Committee on Health and Human Services**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 691

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 691**—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Public Safety**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 184

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Transportation.

McPHERSON, Chair

Above measure re-referred to the Committee on Transportation.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Public Safety, to which were referred:

AB 319

AB 1219

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Labor and Industrial Relations**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1061

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1061**—An act to amend Sections 10200, 10201, and 10205 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 186

AB 1467

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 186**—An act to amend Sections 4059, 4060, and 4061 of the Business and Professions Code, relating to optometrists.

Bill read second time.

**Assembly Bill 1467**—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, July 1, 2003

Mr. President: The Committee on Rules has examined:

SB 155

SB 341

And reports that the same have been correctly enrolled, and presented to the Governor on the 1st day of July, 2003, at 2 p.m.

BURTON, Chair

**Committee on Governmental Organization**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1489

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1489**—An act to amend Section 19549 of the Business and Professions Code, relating to horse racing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Business and Professions**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

AB 1392

Reports the same back with the recommendation: Do pass as amended.

FIGUEROA, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Senate Chamber, July 1, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 373

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 373**—An act to add Section 12693.515 to the Insurance Code, relating to the Healthy Families Program.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 43:** By Senator Machado (Principal coauthor: Assembly Member Matthews)—Relative to Women Veterans' Highway.

**Senate Joint Resolution 20:** By Senator Florez—Relative to regulation of financial institutions.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1781** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules and

**AB 561** was withdrawn from the Committee on Natural Resources and Wildlife and re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1476**—An act to amend Section 5019.65 of the Public Resources Code, relating to public resources.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1558**—An act to add Section 1596.602 to the Health and Safety Code, relating to child care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 23**—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 183**—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1369**—An act to add Section 1569.6 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Assembly Bill 1538**—An act to add Section 7029.6 to the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 142**—An act to amend Section 32645 of the Public Resources Code, relating to the San Diego River Conservancy.

Bill read second time and ordered to third reading.

**Assembly Bill 179**—An act to amend Sections 130110, 130120, and 130150 of the Health and Safety Code, relating to child development.

Bill read second time and ordered to third reading.

**Assembly Bill 365**—An act to amend Section 1810.5 of the Vehicle Code, relating to Department of Motor Vehicle records.

Bill read second time and ordered to third reading.

**Assembly Bill 464**—An act to add Sections 1586.6 and 1586.7 to the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 475**—An act to amend Section 20200 of the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Bill 635**—An act to amend Section 6930 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**Assembly Bill 1738**—An act to amend Sections 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, and 114367.5 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 647**—An act to amend Section 1942.4 of the Civil Code, and to add Section 1174.21 to the Code of Civil Procedure, relating to tenancy.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1361**—An act to amend Section 1950.7 of the Civil Code, relating to tenancy.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

**Assembly Bill 1173**—An act to amend Section 798.21 of the Civil Code, relating to mobilehomes.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 302**—An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1248**—An act to add Section 13167.5 to the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1038**—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Labor and Industrial Relations.

**Assembly Bill 1153**—An act to amend Section 538e of, and to add Section 538g to, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 2**—An act to amend Sections 1191.15 and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1407**—An act to amend Section 714 of the Civil Code, relating to solar energy.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 690**—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

Bill read second time and ordered to third reading.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Governmental Organization**

**AB 28**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Battin, Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (1)—Senator Brulte.

**AB 59**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Battin, Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (1)—Senator Brulte.

**AB 287**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (2)—Senators Battin and Brulte.

**AB 323**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 385**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (2)—Senators Battin and Brulte.

**AB 388**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 569**—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 702**—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 716**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 753**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 768**—Do pass and re-refer to Committee on Local Government, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 846**—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (3)—Senators Battin, Brulte, and Morrow.

**AB 855**—Do pass and re-refer to Committee on Energy, Utilities and Communications

AYES (8)—Senators Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (1)—Senator Brulte.

**AB 922**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 965**—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1145**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1211**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1398**—Do pass and re-refer to Committee on Judiciary

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1505**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1509**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

**AB 1570**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Karnette, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 7/1/03

Vincent (Chair)

**Committee on Housing and Community Development**

**AB 218**—Do pass and re-refer to Committee on Appropriations.

AYES (5)—Senators Ackerman, Cedillo, Ducheny, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 493**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 1192**—Do pass as amended and re-refer to Committee on Local Government

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 1475**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 1525**—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Alarcón, Cedillo, Ducheny, Dunn, and Torlakson.

NOES (3)—Senators Ackerman, Florez, and Hollingsworth.

**AB 1572**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

**AB 1731**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

Date of Hearing: 6/30/03

Ducheny (Chair)

**Committee on Public Employment and Retirement**

**AB 419**—Do pass and re-refer to Committee on Elections and Reapportionment, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 552**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 577**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 896**—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Ashburn, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 933**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1027**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1064**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1156**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

**AB 1321**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

**AB 1428**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

**AB 1583**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

Date of Hearing: 6/30/03

Soto (Chair)

**Committee on Public Safety****SB 519**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 158**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 184**—Do pass and re-refer to Committee on Transportation

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 319**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 352**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 371**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 568**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 945**—Do pass as amended

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 985**—Do pass and re-refer to Committee on Transportation

AYES (1)—Senator McPherson.

NOES (1)—Senator Romero.

Failed passage

**AB 985**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 991**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1042**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (1)—Senator McPherson.

NOES (0)—None.

Failed passage

**AB 1042**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1106**—Do pass

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1131**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1219**—Do pass and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1273**—Do pass

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1290**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1313**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1314**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (1)—Senator McPherson.

NOES (0)—None.

Failed passage

**AB 1314**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1315**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (1)—Senator McPherson.

NOES (1)—Senator Vasconcellos.

Failed passage

**AB 1315**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1433**—Do pass and re-refer to Committee on Appropriations.

AYES (1)—Senator McPherson.

NOES (0)—None.

Failed passage

**AB 1433**—Reconsideration granted

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1438**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1504**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

**AB 1772**—Do pass

AYES (4)—Senators McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 7/1/03

McPherson (Chair)

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of John Nutting of Huntington Beach and Judy Flemming of Orange.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, July 2, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE  
2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FIRST LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, July 2, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,  
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,  
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,  
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,  
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,  
and Vincent—40.

Quorum present.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 5, 2003

Mr. President: I am directed to inform your honorable body that the  
Assembly on this day passed:

AB 923

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the  
Committee on Rules for assignment:

**Assembly Bill 923**—An act to amend Section 6353 of, to add Sections  
6356.8, 6356.9, 7105, 17053.15, and 23608.15 to, to add and repeal  
Section 6356.7 of, and to repeal Sections 6356.5, 6356.6, 6357.1, and

6358.5 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

## REPORTS OF STANDING COMMITTEES

### Committee on Judiciary

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 277	AB 656	AB 862	AB 1143
AB 1180	AB 1594	AB 1616	AB 1708

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

#### Second Reading of Bills—Author's Amendments

**Assembly Bill 277**—An act to amend Section 17526 of, and to add Section 17529 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read second time.

**Assembly Bill 656**—An act to add Section 4001.5 to the Family Code, relating to child support.

Bill read second time.

**Assembly Bill 862**—An act to add Section 11045 to the Government Code, relating to state contracts.

Bill read second time.

**Assembly Bill 1143**—An act to amend Section 1985.3 of the Code of Civil Procedure, relating to Internet communications.

Bill read second time.

**Assembly Bill 1180**—An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

Bill read second time.

**Assembly Bill 1594**—An act to add Section 11139.4 to the Government Code, relating to veterans.

Bill read second time.

**Assembly Bill 1616**—An act to add Division 10 (commencing with Section 7920) to Title 1 of the Government Code, relating to intellectual property.

Bill read second time.

**Assembly Bill 1708**—An act to amend Sections 6031.5, 6065, 6086.10, 6140, 6140.5, 6145, and 6234 of the Business and Professions Code, relating to attorneys.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Public Safety**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 522            AB 638            AB 1331            AB 1669

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 522**—An act to add Section 1227 to the Government Code, relating to Matriculas Consular.

Bill read second time.

**Assembly Bill 638**—An act to add Section 13353.42 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 1331**—An act to add Chapter 4.8 (commencing with Section 832.91) to Title 3 of Part 2 of the Penal Code, relating to peace officers.

Bill read second time.

**Assembly Bill 1669**—An act to amend, repeal, and add Section 2960 of, and to add Sections 2093 and 2430 to, the Business and Professions Code, to amend, repeal, and add Section 1031 of the Government Code, and to add Section 832.05 to the Penal Code, relating to peace officers.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Labor and Industrial Relations**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 899            AB 1099            AB 1551  
AB 1579            AB 1721

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 899**—An act to add Section 14001 to, and to repeal Sections 15037 and 15037.1 of, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

**Assembly Bill 1099**—An act to amend Sections 1877.1 , 1877.3, 1877.4, and 1877.5 of the Insurance Code, relating to insurance fraud.

Bill read second time.

**Assembly Bill 1551**—An act to add Article 3 (commencing with Section 9700) to Chapter 2 of Part 1 of Division 3 of the Unemployment Insurance Code, relating to employment.

Bill read second time.

**Assembly Bill 1579**—An act to amend Section 139.3 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Assembly Bill 1721**—An act to add Section 245 to the Labor Code, relating to wages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 39

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Concurrent Resolution 39**—Relative to municipal utilities.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1384

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:  
AB 205

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Revenue and Taxation.

ESCUTIA, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which were referred:  
AB 378 AB 738

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which were referred:  
AB 309 AB 767 AB 1705

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bills ordered to second reading.

**Committee on Agriculture and Water Resources**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

AB 317 AB 347 AB 1069

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

AB 776 AB 1080 AB 1304 AB 1521

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

AB 105

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Natural Resources and Wildlife with the recommendation: To Consent Calendar.

MACHADO, Chair

Above measure re-referred to the Committee on Natural Resources and Wildlife.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

AB 1724

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

MACHADO, Chair

Above measure re-referred to the Committee on Environmental Quality.

#### **Committee on Governmental Organization**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

AB 278

AB 1486

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 278**—An act to amend Section 19817 of the Business and Professions Code, relating to gaming.

Bill read second time.

**Assembly Bill 1486**—An act relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

AB 105

AB 396

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 105**—An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, relating to agricultural lands.

Bill read second time.

**Assembly Bill 396**—An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Housing and Community Development**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

AB 1086

AB 1426

AB 1576

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1086**—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

Bill read second time.

**Assembly Bill 1426**—An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

Bill read second time.

**Assembly Bill 1576**—An act to amend Sections 19210, 19212, 19213, 19214, 19215, and 19216 of, and to add Sections 19212.5 and 19218 to, the Health and Safety Code, relating to water heaters.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 83                      AB 879                      AB 1393

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 83**—An act to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

Bill read second time.

**Assembly Bill 879**—An act to add Chapter 17 (commencing with Section 121348) to Part 4 of Division 105 of the Health and Safety Code, relating to health care.

Bill read second time.

**Assembly Bill 1393**—An act to amend Sections 4646.5 and 4648 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 268

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 1475

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

AB 998                      AB 1218                      AB 1348  
AB 1497                      AB 1541

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 998**—An act to add Article 9.1 (commencing with Section 41998) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1218**—An act to amend Section 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks.

Bill read second time.

**Assembly Bill 1348**—An act to amend Sections 25200.19, 25250.1, and 25250.7 of, and to add Section 25160.6 to, the Health and Safety Code, relating to hazardous waste.

Bill read second time.

**Assembly Bill 1497**—An act to amend Section 44004 of, and to add Sections 21084.5 and 43501.5 to, the Public Resources Code, relating to solid waste.

Bill read second time.

**Assembly Bill 1541**—An act to amend Section 13385 of the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Revenue and Taxation**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

AB 1690                      AB 1742

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1690**—An act to add Article 4 (commencing with Section 55650) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, and to amend Sections 17041.5 and 19533 of, to add Section 99.3 to, and to add Part 10.1 (commencing with Section 18201) to, the Revenue and Taxation Code, relating to local government.

Bill read second time.

**Assembly Bill 1742**—An act to amend Sections 19120, 19368, 19411, and 23114 of, to amend and renumber Section 24328 of, and to add Section 19520 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Transportation**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which was referred:  
AB 198

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 535                      AB 1718                      AB 1745

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Rules**

Senate Chamber, July 2, 2003

Mr. President: The Committee on Rules has examined:

SB 134              SB 187              SB 303              SB 333  
SB 508              SB 567              SB 600              SB 804

And reports that the same have been correctly enrolled, and presented to the Governor on the 2nd day of July, 2003, at 3 p.m.

BURTON, Chair

**Committee on Transportation**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 1343                      AB 1618                      AB 1697

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Local Government**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 944                                      AB 1125

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

**Committee on Agriculture and Water Resources**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

AB 1076

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

MACHADO, Chair

Above measure ordered to second reading.

Date of Hearing, June 17, 2003

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

AB 248

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 457

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 457**—An act to add and repeal Sections 20901.5 and 20904.5 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement .

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 457 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE McLEOD

**Permission of Rules Committee**

Senate Chamber, July 2, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 457.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 703      AB 816      AB 909      AB 1735

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 703**—An act to add Section 745 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 816**—An act to amend Section 80110 of the Water Code, relating to electric power.

Bill read second time.

**Assembly Bill 909**—An act to add and repeal Section 2898 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

**Assembly Bill 1735**—An act to add Section 1701.5 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Local Government**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 953

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 953**—An act to amend Sections 66424.6, 66462.5, and 66499.35 of the Government Code, relating to land use.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 878

AB 1117

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

**Committee on Business and Professions**

Senate Chamber, July 2, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 123

AB 671

AB 1739

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 123**—An act to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read second time.

**Assembly Bill 671**—An act to amend Section 7587.1 of the Business and Professions Code, relating to private security services.

Bill read second time.

**Assembly Bill 1739**—An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1548** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules;

**AB 66** was withdrawn from the Committee on Transportation and re-referred to the Committee on Appropriations;

**AB 808** was withdrawn from the Committee on Governmental Organization and re-referred to the Committees on Energy, Utilities and Communications and Governmental Organization; and

**AB 1771** was withdrawn from the Committee on Natural Resources and Wildlife and re-referred to the Committee on Agriculture and Water Resources.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1192**—An act to amend Section 65863 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Local Government.

**Assembly Bill 1525**—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Assembly Bill 1731**—An act to add Section 1350.5 to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, and to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, 50451, 50452,

and 50453 of the Health and Safety Code, relating to buildings and housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 51**—An act to add Section 65302.4 to the Government Code, relating to land use planning.

Bill read second time and ordered to third reading.

**Assembly Bill 138**—An act to add Section 2076 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time and ordered to third reading.

**Assembly Bill 362**—An act to add Section 1346.1 to the Health and Safety Code, relating to health care service plans.

Bill read second time and ordered to third reading.

**Assembly Bill 583**—An act to add Section 377.2 to the Public Utilities Code, relating to public utilities.

Bill read second time and ordered to third reading.

**Assembly Bill 617**—An act to amend Section 8880.28 of the Government Code, relating to the California State Lottery.

Bill read second time and ordered to third reading.

**Assembly Bill 853**—An act to amend Sections 16429, 16475, 16475.5, and 16480.6 of the Government Code, relating to state funds.

Bill read second time and ordered to third reading.

**Assembly Bill 867**—An act to amend Sections 29093, 29109, 53895, and 53895.5 of the Government Code, relating to financial reports.

Bill read second time and ordered to third reading.

**Assembly Bill 1043**—An act to add and repeal Article 2.5 (commencing with Section 7076) of Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

**Assembly Bill 1274**—An act to amend Sections 12140 and 12142 of, and to add Section 12142.5 to, the Insurance Code, relating to motor clubs.

Bill read second time and ordered to third reading.

**Assembly Bill 1600**—An act to amend Section 10508 of, and to add Sections 10508.6, 10508.7, and 10508.8 to, the Insurance Code, relating to records.

Bill read second time and ordered to third reading.

**Assembly Bill 1675**—An act to amend, repeal, and add Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 294**—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1064**—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

Bill read second time and ordered to third reading.

**Assembly Bill 896**—An act to add Section 20322.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 569**—An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of, to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 702**—An act to amend Sections 12804 and 13901 of the Government Code, relating to state agencies.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 965**—An act to add Section 423.5 to the Government Code, relating to state emblems.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1014**—An act to add Section 525.5 to the Harbors and Navigation Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 1106**—An act to amend Section 832.7 of the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

**Assembly Bill 1273**—An act to amend Sections 1050 and 1050.5 of the Penal Code, relating to criminal procedure.

Bill read second time and ordered to third reading.

**Assembly Bill 1772**—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

Bill read second time and ordered to third reading.

**Assembly Bill 1392**—An act to amend Section 2220.05 of the Business and Professions Code, relating to medical services.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed and to third reading.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 2** was referred to the Committee on Appropriations.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 518**—An act to amend Section 56668 of the Government Code, relating to local agency formation.

Bill read third time.

#### Amendments Adopted

Amendments to AB 518 proposed by Senator Speier were read and adopted and the measure ordered printed and to second reading.

#### SENATE COMMITTEE ROLL CALLS

##### Committee on Agriculture and Water Resources

**AB 105**—Do pass and re-refer to Committee on Natural Resources and Wildlife, with the recommendation: To Consent Calendar

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 185**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ducheny, Florez, Kuehl, Machado, and Torlakson.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and Poochigian.

Failed passage

**AB 185**—Reconsideration granted

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 317**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 347**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 514**—Do pass

AYES (6)—Senators Alpert, Ducheny, Florez, Kuehl, Machado, and Torlakson.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and Poochigian.

Failed passage

**AB 514**—Reconsideration granted

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 776**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 869**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Alpert, Denham, Ducheny, Hollingsworth, and Kuehl.

NOES (0)—None.

Failed passage

**AB 869**—Reconsideration granted

AYES (7)—Senators Aanestad, Alpert, Denham, Ducheny, Hollingsworth, Kuehl, and Machado.

NOES (0)—None.

**AB 1069**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 1076**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 1080**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 1304**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 1521**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alpert, Denham, Ducheny, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

**AB 1724**—Do pass and re-refer to Committee on Environmental Quality

AYES (10)—Senators Aanestad, Alpert, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Poochigian, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/1/03

Machado (Chair)

**Committee on Elections and Reapportionment****AB 177**—Do pass to Appropriations

AYES (2)—Senators Murray and Perata.

NOES (0)—None.

Failed passage

**AB 177**—Reconsideration granted

AYES (5)—Senators Perata, Johnson, Escutia, Murray, and Poochigian.

NOES (0)—None.

**AB 188**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 190**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 255**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 346**—Do pass

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 461**—Do pass

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AB 487**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 503**—Do pass

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 526**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 587**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

**AB 593**—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AB 718**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 828**—Do pass to Appropriations

AYES (2)—Senators Murray and Perata.

NOES (0)—None.

Failed passage

**AB 828**—Reconsideration granted

AYES (5)—Senators Perata, Johnson, Escutia, Murray, and Poochigian.

NOES (0)—None.

**AB 915**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AB 1197**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AB 1245**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AB 1472**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 1501**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 1531**—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Johnson, Perata, and Poochigian.

NOES (2)—Senators Escutia and Murray.

**AB 1544**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (1)—Senator Poochigian.

**AB 1677**—Do pass, to Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 1678**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 1679**—Do pass, to Consent Calendar

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

**AB 1687**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (1)—Senator Poochigian.

**AB 1689**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

**AJR 7—Be adopted**

AYES (2)—Senators Escutia and Perata.

NOES (2)—Senators Murray and Poochigian.

Failed passage

**AJR 7—Reconsideration granted**

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (2)—Senators Murray and Poochigian.

Date of Hearing: 7/2/03

Perata (Chair)

**Committee on Judiciary****AB 17—Do pass as amended and re-refer to Committee on Appropriations**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 104—Do pass as amended**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 118—Do pass and re-refer to Committee on Public Safety**

AYES (2)—Senators Ackerman and Morrow.

NOES (0)—None.

Failed passage

**AB 118—Reconsideration granted**

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

**AB 205—Do pass and re-refer to Committee on Revenue and Taxation**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 292—Do pass as amended and re-refer to Committee on Appropriations**

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

**AB 309—Do pass**

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 378—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 394—Do pass as amended and re-refer to Committee on Public Safety**

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

**AB 418**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 453**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.  
NOES (0)—None.

**AB 682**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (2)—Senators Ackerman and Morrow.

**AB 738**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (1)—Senator Ackerman.

**AB 767**—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 920**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 1095**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.  
NOES (0)—None.

**AB 1101**—Do pass as amended

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.  
NOES (1)—Senator Ackerman.

**AB 1210**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (1)—Senator Ackerman.

**AB 1287**—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (1)—Senator Ackerman.

**AB 1302**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.  
NOES (1)—Senator Ackerman.

**AB 1384**—Do pass, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 1399**—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 1641**—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.  
NOES (0)—None.

**AB 1705**—Do pass

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow,  
and Sher.

NOES (0)—None.

Date of Hearing: 7/1/03

Escutia (Chair)

**Committee on Local Government**

**AB 170**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 197**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata,  
Soto, and Torlakson.

NOES (0)—None.

**AB 332**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata,  
Soto, and Torlakson.

NOES (0)—None.

**AB 650**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata,  
Soto, and Torlakson.

NOES (0)—None.

**AB 878**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata,  
Soto, and Torlakson.

NOES (0)—None.

**AB 944**—Do pass

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 1117**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1125**—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1199**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1208**—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1478**—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/2/03

Torlakson (Chair)

**Committee on Transportation****AB 198**—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (11)—Senators Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**AB 260**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**AB 361**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Scott, Soto, Speier, and Torlakson.

NOES (2)—Senators McClintock and Morrow.

**AB 377**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

**AB 535**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**AB 1022**—Do pass as amended

AYES (9)—Senators Figueroa, Florez, Karnette, Morrow, Murray, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**AB 1303**—Do pass as amended

AYES (9)—Senators Figueroa, Florez, Karnette, McClintock, Murray, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Morrow.

**AB 1343**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Morrow, Murray, Scott, Soto, and Speier.

NOES (1)—Senator McClintock.

**AB 1409**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, McClintock, Murray, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Morrow.

**AB 1555**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Scott, Soto, Speier, and Torlakson.

NOES (2)—Senators McClintock and Morrow.

**AB 1618**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (2)—Senators McClintock and Morrow.

**AB 1697**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Scott, Soto, Speier, and Torlakson.

NOES (2)—Senators McClintock and Morrow.

**AB 1718**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

**AB 1745**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/1/03

Murray (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Patrick Leary of Benicia.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Sylvia Ghiglier of Turlock.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, July 3, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, July 3, 2003

The Senate met at 9 a.m.  
Hon. John L. Burton, of the 3rd District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.  
Quorum present.

*(NOTE: Senator McPherson will be excused this day on personal business and Senator Bowen will be excused this day due to illness.)*

**PRAYER**

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

We thank You, O God, that the freedom we celebrate in the coming days is not an attainment, but an obtainment, that it is Your precious gift to humanity as part of our createdness. We thank You for the daring of our forebearers in reclaiming their "ancient rights". We thank You, too, for the heroes' valor, the patriots' devotion, the prophets' vision, and for all the blood, sweat and toil by which our freedom was purchased. As we commemorate our national independence accept again the declaration of our everlasting dependence upon You. In all our joy and thanksgiving enable us to remain one nation "under God", and give us the grace and goodness to minister to all humankind in Your name.—Amen.

(United States Senate Chaplain, Rev. Edward L.R. Elson, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Poochigian led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
July 2, 2003

*To the Members of the California Senate:*

I am returning **Senate Bill 45** without my signature.

This bill would exempt retired certified teachers who have taught for at least 15 years from taking the state basic skills proficiency test to be eligible for employment by a school district.

This bill is essentially identical to a bill I vetoed last year (SB 1250, Vincent 2002.)

Furthermore, California is currently undertaking the task of ensuring that all pupils have a highly qualified teacher, pursuant to the federal No Child Left Behind Act. It would be premature to make any changes to current law that may be seen as weakening California's rigorous standards for teachers until the new rigorous assessment standards are in place.

I will revisit this issue once federal regulations are implemented and California has an assessment and alternative process in place to meet federal requirements.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 2nd day of July 2003 at 7:05 p.m., of SB 45 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

DAVID VALVERDE  
Assistant Secretary of the Senate

**REQUEST TO RETURN BILL TO SENATE**

Senator Margett requested that the Secretary of the Senate ask the Governor to return SB 110 to the Senate for further action.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 38** and **ACR 110** were withdrawn from committee and placed on Special Consent Calendar.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Education to meet without four days notice in the file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1384**—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 309**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time and ordered to third reading.

**Assembly Bill 767**—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read second time and ordered to third reading.

**Assembly Bill 1705**—An act to add Section 16004.5 to the Probate Code, relating to trusts.

Bill read second time and ordered to third reading.

**Assembly Bill 268**—An act to amend Section 19995.4 of the Government Code, relating to state employment.

Bill read second time and ordered to third reading.

**Assembly Bill 1475**—An act to amend Section 53533 of, and to repeal Section 53315 of, the Health and Safety Code, and to amend Sections 5808 and 5814 of the Welfare and Institutions Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 944**—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add Sections 65565 and 65571 to, the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

**Assembly Bill 1125**—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water.

Bill read second time and ordered to third reading.

**Assembly Bill 1076**—An act to add Section 12976.5 to the Food and Agricultural Code, relating to pesticides.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Assembly Bill 248**—An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 878**—An act to amend Sections 6055 and 6077.6 of, and to add Section 6084.2 to, the Harbors and Navigation Code, and to add Section 69.5 to the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1117**—An act to amend Section 8555 of the Public Resources Code, relating to grazing lands.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 518**—An act to amend Sections 56132 and 56668 of the Government Code, relating to local agency formation.

Bill read second time and ordered to third reading.

#### **MOTION TO RE-REFER TO COMMITTEE**

Pursuant to Joint Rule 10.5, Senator Alpert moved that **AB 1014** and **AB 1392** be re-referred to the Committee on Appropriations.

Motion carried.

Senator Torlakson moved that **AB 518** be re-referred to the Committee on Local Government.

Motion carried.

#### **MOTIONS TO REFER MEASURES TO INACTIVE FILE**

Senator Torlakson moved that **SB 62** and **SB 63** be placed on the inactive file.

Senator Scott moved that **AB 1738** be placed on the inactive file.

Senator Johnson moved that **AB 1096** be placed on the inactive file.

Motions carried.

**Senator Romero Presiding**  
**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
July 3, 2003

*To the Members of the Senate:*

Pursuant to your request, I am returning SB 110 to the Senate for further action.

Sincerely,

Pamela K. Oto  
Private Secretary of the Governor

Above bill ordered transmitted to the Assembly on request of Senator Margett.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS**

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Bruce K. Daniels, Member, California Regional Water Quality Control Board, Central Coast Region.

Gary C. Shallcross, Member, California Regional Water Quality Control Board, Central Coast Region.

Francine B. Diamond, Member, California Regional Water Quality Control Board, Los Angeles Region.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Joseph W. Cotchett, Member, State Park and Recreation Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (29)—Senators Ackerman, Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Susan Britting, Ph.D., Member, State Board of Forestry and Fire Protection.

Andrew Kirk Marckwald, Member, State Board of Forestry and Fire Protection.

David Nawi, Member, State Board of Forestry and Fire Protection.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Mark A. Bosetti, Member, State Board of Forestry and Fire Protection.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator Denham demanded that the question be divided and that the confirmation of the appointment of:

Alson B. Brizard, Member, California Regional Water Quality Control Board, Central Valley Region  
be taken up separately.

**CONSENT CALENDAR**

**Assembly Bill 416**—An act to amend Section 8802 of the Family Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1361**—An act to amend Section 1950.7 of the Civil Code, relating to tenancy.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 38**—Relative to Valley Fever Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 110**—Relative to Probation, Parole, and Community Supervision Officers' Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

**AYES (38)**—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

**NOES (0)**—None.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator McPherson.

The following Senator was granted leave of absence for the day due to illness: Senator Bowen.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:54 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, July 7, 2003.

Motion carried.

**Senator Sher Presiding****JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 750 to be heard in the Committee on Environmental Quality without four days notice in the File.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, July 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 523

Above measure ordered enrolled.

Assembly Chamber, July 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 10

Above resolution ordered enrolled.

Assembly Chamber, July 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SJR 10

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, July 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 80	AB 376	AB 774	AB 1105
AB 1537	AB 1746	ACR 17	ACR 29

Assembly Chamber, July 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 36

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Joint Resolution 36**—Relative to veterans benefits.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

State Capitol, July 3, 2003

The Committee on Rules has referred the following measures to committee:

**Banking, Commerce and International Trade**—SJR 20.

**Public Safety**—AJR 34.

**Transportation**—SCR 43.

The Committee on Rules has re-referred the following measures to committee:

**Education**—AB 1548.

**Education and Business and Professions**—AB 655.

**Environmental Quality and Transportation**—AB 901.

**Health and Human Services**—AB 561, AB 846.

**Insurance**—AB 652.

**Judiciary**—AB 1634.

**Labor and Industrial Relations**—AB 135.

**Local Government**—AB 658.

**Public Employment and Retirement**—AB 459.

**Public Safety**—AB 1781.

#### **Committee on Agriculture and Water Resources**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 185

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 185**—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Elections and Reapportionment**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

AB 188            AB 255            AB 1501            AB 1678

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

PERATA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

AB 190            AB 587            AB 1197            AB 1544  
 AB 487            AB 718            AB 1245            AB 1687  
 AB 526            AB 915            AB 1472            AB 1689

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

PERATA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which was referred:

AB 593

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

PERATA, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

AB 1677                                    AB 1679

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

PERATA, Chair

Above measures ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

AB 346                      AB 461                      AB 503

Reports the same back with the recommendation: Do pass.

PERATA, Chair

Above bills ordered to second reading.

**Committee on Appropriations**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1370

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1370**—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Judiciary**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 21                      AB 68                      AB 213                      AB 634  
AB 763                      AB 839                      AB 845

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 21**—An act relating to housing.

Bill read second time.

**Assembly Bill 68**—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

Bill read second time.

**Assembly Bill 213**—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 634**—An act to amend Section 2023 of, and to add Section 2031.1 to, the Code of Civil Procedure, relating to civil actions.

Bill read second time.

**Assembly Bill 763**—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

Bill read second time.

**Assembly Bill 839**—An act to amend Sections 26202.6, 34090.6, and 34090.7 of, to add Sections 26206.7, 26206.8, and 34090.8 to, to add Article 9 (commencing with Section 53160) to Chapter 1 of Part 1 of Division 2 of Title 5 of, and to repeal Section 26202.3 of, the Government Code, and to add Section 99163 to the Public Utilities Code, relating to local government records.

Bill read second time.

**Assembly Bill 845**—An act to amend Sections 5102 and 5311 of, to add Sections 5142 and 5317.5 to, and to add Article 5.4 (commencing with Section 5243) and Article 8.5 (commencing with Section 5323) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Revenue and Taxation**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

AB 205

AB 1601

AB 1666

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 205**—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771

of the Government Code, and to amend Section 18521 of the Revenue and Taxation Code, relating to domestic partnerships.

Bill read second time.

**Assembly Bill 1601**—An act to amend Sections 18628, 19057, 19164, 19177, and 19182 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Assembly Bill 1666**—An act to amend Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Public Safety**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

AB 108

AB 1301

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 108**—An act to amend Section 664 of the Penal Code, relating to attempted murder.

Bill read second time.

**Assembly Bill 1301**—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Local Government**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Local Government, to which was referred:

AB 1478

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 305

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 305**—An act to amend Section 65915 of the Government Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 290

AB 1688

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 290**—An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

Bill read second time.

**Assembly Bill 1688**—An act to add and repeal Part 8.5 (commencing with Section 2050) to Division 2 of the Labor Code, relating to car washes.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Banking, Commerce and International Trade**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 1031

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FLOREZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 1239

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

FLOREZ, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 1774

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

FLOREZ, Chair

Above measure re-referred to the Committee on Public Safety.

**Committee on Environmental Quality**

Date of Hearing, June 23, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 1405

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Natural Resources and Wildlife.

SHER, Chair

Above measure ordered to second reading.

**Committee on Health and Human Services**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 999

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 195

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 24

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 9

AB 429

Reports the same back with the recommendation: Do pass.

ORTIZ, Chair

Above bills ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 938

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Business and Professions.

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Public Safety, to which was referred:

AB 158

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 91

AB 1253

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 91**—An act to amend Sections 22455.5, 26000, 26300, and 26400 of, and to add Sections 26000.2 and 26113.5 to, the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1253**—An act to add and repeal Sections 20901.2 and 20902.6 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Health and Human Services**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 1524

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Insurance.

ORTIZ, Chair

Above measure ordered to second reading.

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

AB 232

AB 747

AB 1627

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 232**—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

Bill read second time.

**Assembly Bill 747**—An act to add Sections 14105.49 and 14105.50 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Assembly Bill 1627**—An act to add Article 11 (commencing with Section 1339.50) to Chapter 2 of Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Appropriations**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1745

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

#### **Committee on Housing and Community Development**

Date of Hearing, June 30, 2003

Mr. President: The Committee on Housing and Community Development, to which was referred:

AB 493

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

#### **Committee on Constitutional Amendments**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Constitutional Amendments, to which was referred:

SCA 11

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

POOCHIGIAN, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Constitutional Amendment 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof,

and by amending Section 18 of Article XVI thereof, relating to infrastructure projects.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Governmental Organization**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1032

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1032**—An act to add Sections 10170 and 10171 to the Public Contract Code, relating to contractors.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Transportation**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 1479

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1479**—An act to amend Section 11222 of, to add Sections 11205.2 and 11205.3 to, and to repeal and add Sections 11205, 11205.1, and 11214 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Education**

Date of Hearing, July 3, 2003

Mr. President: The Committee on Education, to which were referred:

AB 356

AB 1250

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 3, 2003

Mr. President: The Committee on Education, to which was referred:

AB 1012

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, June 25, 2003

Mr. President: The Committee on Education, to which was referred:

AB 942

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Education, to which was referred:

AB 109

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Labor and Industrial Relations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Education, to which were referred:

AB 52

AB 560

AB 1668

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 25, 2003

Mr. President: The Committee on Education, to which was referred:

AB 781

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

AB 442	AB 491	AB 1137
AB 1309	AB 1337	AB 1631

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 442**—An act to amend Section 42122 of the Education Code, relating to school finance.

Bill read second time.

**Assembly Bill 491**—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of the Education Code, and to amend Sections 10295 , 10430, and 12100.5 of the Public Contract Code, relating to the California State University.

Bill read second time.

**Assembly Bill 1137**—An act to amend Sections 44579.1, 44579.2, 44579.5, 47604, 47605, 47607, 47613, 60242, and 60421 of, and to add Sections 47604.32, and 47612.6 to, the Education Code, relating to charter schools.

Bill read second time.

**Assembly Bill 1309**—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities

Bill read second time.

**Assembly Bill 1337**—An act to amend Section 56505.2 of, and to add Section 56366.10 to, the Education Code, relating to special education.

Bill read second time.

**Assembly Bill 1631**—An act to amend Section 17071.46 of the Education Code, relating to public schools.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Appropriations**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 798

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

**Committee on Insurance**

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which was referred:

AB 1083

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SPEIER, Chair

Above measure ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which were referred:

AB 621

AB 1048

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SPEIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which were referred:

AB 984

AB 1286

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business and Professions.

SPEIER, Chair

Above measures re-referred to the Committee on Business and Professions.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which were referred:

AB 996

AB 1527

AB 1528

AB 1727

Reports the same back with the recommendation: Do pass.

SPEIER, Chair

Above bills ordered to second reading.

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which were referred:

AB 343

AB 444

AB 794

AB 1181

AB 1496

AB 1598

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1641

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1492

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1492**—An act to amend Section 51257 of, and to add Section 51250 to, the Government Code, relating to agricultural land conservation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Governmental Organization**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1489

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1489**—An act to amend Section 19549 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Insurance**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Insurance, to which were referred:

AB 1049

AB 1628

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1049**—An act to amend Section 791.12 of, and to add Section 791.12.5 to, the Insurance Code, relating to underwriting.

Bill read second time.

**Assembly Bill 1628**—An act to amend Sections 1262.5 and 1371.4 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Labor and Industrial Relations**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 572

AB 1418

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 572**—An act to amend Sections 98.7, 6310, and 6312 of, to add Section 6312.5 to, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

Bill read second time.

**Assembly Bill 1418**—An act to amend Section 27 of the Business and Professions Code, and to amend Section 1775 of the Labor Code, relating to labor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Natural Resources and Wildlife**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

AB 47

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 47**—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Energy, Utilities and Communications**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

AB 425

AB 914

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 425**—An act to amend Section 743.1 of the Public Utilities Code, relating to public utilities.

Bill read second time.

**Assembly Bill 914**—An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53114.1, 53119, and 53120 of, and to repeal and add Sections 53107 and 53115.2 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137,

41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Education**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

AB 954

AB 1266

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 954**—An act to add Section 44825 to the Education Code, relating to teachers.

Bill read second time.

**Assembly Bill 1266**—An act to amend Sections 52055.650, 60800, 69440, 76355, and 84750 of, to add Sections 18866, 60227, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and to repeal Chapter 7 (commencing with Section 99300) of Part 65, of the Education Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Environmental Quality**

Senate Chamber, July 3, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

AB 826

AB 1008

AB 1700

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 826**—An act to add Article 12.5 (commencing with Section 25249.1) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

**Assembly Bill 1008**—An act to amend Section 17213.1 of the Education Code, relating to public schools.

Bill read second time.

**Assembly Bill 1700**—An act to amend Section 116365 of the Health and Safety Code, relating to drinking water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 44:** By Senator Oller—Relative to Truck Driver Appreciation Week.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on July 7:

AB 767	AB 1173	AB 617	AB 1106
AB 1125	AB 690	AB 853	AB 1772
AB 398	AB 138	AB 867	
AB 1092	AB 362	AB 1043	
AB 475	AB 583	AB 1274	

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 669** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Veterans Affairs;

**AB 669** was withdrawn from the Committee on Veterans Affairs and re-referred to the Committee on Appropriations;

**AB 419** was withdrawn from the Committee on Elections and Reapportionment and re-referred to the Committee on Appropriations;

**AB 1718** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Judiciary;

**AB 1721** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules; and

**AB 105** was withdrawn from the Committee on Natural Resources and Wildlife and re-referred to the Committee on Appropriations.

**SENATE COMMITTEE ROLL CALLS****Committee on Banking, Commerce and International Trade****AB 1031**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Denham, Ducheny, Dunn, Florez, Karnette, McClintock, Murray, and Ortiz.

NOES (0)—None.

**AB 1239**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, Karnette, McClintock, Murray, and Ortiz.

NOES (0)—None.

**AB 1774**—Do pass as amended and re-refer to Committee on Public Safety

AYES (9)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, Karnette, McClintock, Murray, and Ortiz.

NOES (0)—None.

Date of Hearing: 7/2/03

Florez (Chair)

**Committee on Education****AB 46**—Do pass as amended and re-refer to Committee on Judiciary

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 52**—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 109**—Do pass as amended and re-refer to Committee on Labor and Industrial Relations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Sher, Speier, and Vincent.

NOES (1)—Senator McPherson.

**AB 560**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (3)—Senators Denham, Knight, and McPherson.

**AB 648**—Do pass as amended and re-refer to Committee on Rules

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

**AB 833**—Do pass as amended and re-refer to Committee on Judiciary

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1668**—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 7/2/03

Vasconcellos (Chair)

**AB 310**—Do pass as amended and re-refer to Committee on Rules

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**AB 356**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

**AB 642**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

**AB 1012**—Do pass and re-refer to Committee on Public Safety

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Romero, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

**AB 1250**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

Date of Hearing: 7/3/03

Vasconcellos (Chair)

**Committee on Health and Human Services****AB 9**—Do pass

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 24**—Do pass and re-refer to Committee on Judiciary

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 195**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 253**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 429**—Do pass

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 938**—Do pass as amended and re-refer to Committee on Business and Professions

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 946**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 999**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1220**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Ashburn.

**AB 1241**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1453**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

**AB 1524**—Do pass as amended and re-refer to Committee on Insurance

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

**AB 1683**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

Date of Hearing: 7/2/03

Ortiz (Chair)

#### **Committee on Insurance**

**AB 30**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Figueroa, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

**AB 81**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**AB 343**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Figueroa, Johnson, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

**AB 444**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 621**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 794**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 943**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Escutia, Figueroa, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 984**—Do pass and re-refer to Committee on Business and Professions

AYES (6)—Senators Figueroa, Morrow, Perata, Scott, Soto, and Speier.

NOES (1)—Senator Johnson.

**AB 996**—Do pass

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**AB 1048**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1083**—Do pass, to Consent Calendar

AYES (8)—Senators Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1181**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

**AB 1286**—Do pass and re-refer to Committee on Business and Professions

AYES (7)—Senators Escutia, Figueroa, Morrow, Perata, Scott, Soto, and Speier.

NOES (1)—Senator Oller.

**AB 1496**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Figueroa, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1527**—Do pass

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

**AB 1528**—Do pass

AYES (5)—Senators Figueroa, Perata, Scott, Soto, and Speier.

NOES (3)—Senators Johnson, Morrow, and Oller.

**AB 1598**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Figueroa, Morrow, Perata, Scott, Soto, and Speier.

NOES (0)—None.

**AB 1727**—Do pass

AYES (8)—Senators Figueroa, Johnson, Morrow, Oller, Perata, Scott, Soto, and Speier.

NOES (0)—None.

Date of Hearing: 7/2/03

Speier (Chair)

**Committee on Local Government**

**AB 170**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 197**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 332**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 650**—Do pass as amended and re-refer to Committee on Judiciary

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 878**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 944**—Do pass

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

**AB 1117**—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1125**—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1199**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1208**—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

**AB 1478**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/2/03

Torlakson (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of William “Bill” Wallace of Santa Ana.

Senators Burton and Perata requested that when the Senate adjourns this day it do so in memory of Judge Richard Iglehart.

Senators Chesbro and Ortiz requested that when the Senate adjourns this day it do so in memory of Kim Collins of Sacramento.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Virginia Horn of Holtville and Roberto Paul Moreno of Calexico.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of noted comedian Buddy Hackett of Malibu.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Samuel Harry Boyajian of Fresno.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Nathaniel Hawthorne Brooks, Sr., of Menlo Park.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators’ requests until 9:30 a.m., Monday, July 7, 2003.

WALTER J. LITTLE, Minute Clerk











